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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.19917 & 19918 of 2025
in Crl.R.C.No.2152 of 2025**

Shanmugam

...Petitioner in both Crl.M.Ps

Versus

The State

Rep. by the Inspector of Police,
Sankari Police Station,
Salem District.
(Crime No.509 of 2017)

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.19917 of 2025 in Crl.R.C.No.2152 of 2025:

This Criminal Miscellaneous Petition is filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to suspend the sentence imposed in the Judgment passed in C.A.No.32 of 2023 dated 16.09.2025 on the file of the I Additional District & Sessions Judge at Salem in confirming the order of conviction dated 31.01.2023 passed in C.C.No.34 of 2018 on the file of the Judicial Magistrate Court No.1 at Sankari and sentencing the

1/8



petitioner to undergo simple imprisonment for 6 months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 2 weeks for the offence under Section 279 of IPC and convicted and sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 2 weeks for the offence under Section 304(A) of IPC and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

Prayer in CrI.M.P.No.19918 of 2025 in CrI.R.C.No.2152 of 2025:

This Criminal Miscellaneous Petition is filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to exempt the petitioner from surrendering pursuant to the order of conviction passed in C.C.No.34 of 2018 on the file of the Judicial Magistrate Court No.1 at Sankari which was confirmed in C.A.No.32 of 2023 dated 16.09.2025 on the file of the I Additional District & Sessions Judge at Salem pending disposal of the present Criminal Revision Petition.

For Petitioner in both CrI.M.Ps : Mr.R.Jayaprakash

For Respondent in both CrI.M.Ps : Dr.C.E.Pratap,
Govt. Advocate (CrI.Side)



COMMON ORDER

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The Criminal Miscellaneous Petition No.19917 of 2025 has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Judicial Magistrate No.I, Sankari vide Judgment dated 31.01.2023 in C.C.No.34 of 2018 which was confirmed by the learned I Additional District & Sessions Judge, Salem vide Judgment dated 16.09.2025 in C.A.No.32 of 2023 and enlarge him on bail pending disposal of the present Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.19918 of 2025 has been filed by the petitioner seeking to exempt him from surrendering pursuant to the judgment dated 31.01.2023 in C.C.No.34 of 2018 on the file of Judicial Magistrate Court No.1 at Sankari which was confirmed by the learned I Additional District & Sessions Judge at Salem vide Judgment dated 16.09.2025 in C.A.No.32 of 2023, pending disposal of the present Criminal Revision Petition.



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3. The petitioner is an accused in C.C.No.34 of 2018 on the file of Judicial Magistrate Court No.1 at Sankari. The petitioner/accused was found guilty of the offence under Sections 279 & 304(A) of IPC. Therefore, the trial Court vide Judgment dated 31.01.2023 in C.C.No.34 of 2018, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 279 of IPC	To undergo 6 months simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 2 weeks simple imprisonment.
2	Under Section 304(A) of IPC	To undergo 2 years simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 2 weeks simple imprisonment.

Aggrieved by the said conviction and sentence, petitioner/accused had preferred a Criminal Appeal in C.A.No.32 of 2023 before the learned I Additional District & Sessions Judge, Salem. However, the Appellate Court vide Judgment dated 16.09.2025, dismissed the said Criminal Appeal and confirmed the judgment of trial Court. Hence, petitioner/accused has filed



the present Criminal Revision Case before this Court.

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4. The learned counsel for petitioner/accused submitted that petitioner/accused has a fair chance of succeeding in the Criminal Revision Case and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on petitioner/accused may be suspended.

5. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that he has objection for granting bail to petitioner/accused.

6. Heard the learned counsel on both sides and perused the materials available on record.



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7. Considering the submissions made by learned counsel for petitioner/accused coupled with the quantum of punishment imposed on petitioner/accused and taking into consideration of the fact that the Criminal Revision is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

8. Accordingly, till the disposal of Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on following conditions:

(i) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar



Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 4 weeks and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court.

9. With the above directions, Criminal Miscellaneous Petition No.19917 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.19918 of 2025 is closed.

19.11.2025

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Index: Yes/No

7/8



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Speaking Order (or) Non-Speaking Order

**Note: Registry is directed to list Crl.R.C.No.2152 of 2025 for hearing on
04.03.2026.**

To

1.The Judicial Magistrate No.I,
Sankari.

2.The I Additional District & Sessions Judge,
Salem.

8/8



3. The Inspector of Police,
Sankari Police Station,
Salem District.

4. The Superintendent,
Central Prison,
Salem.

5. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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