



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CrI.M.P.No. 21501 of 2025

AND

CRL RC No.2374 of 2025

Karthick

S/o.Mohan, No.83 N.Block, Agathiar

Nagar, Villivakkam, Chennai.

Petitioner(s)

Vs

State by

Sub Inspector of Police,

V-5, Thirumangalam Police Station,

Chennai - 101.

Crime No.232/2022

Respondent(s)

PRAYER

To suspend the sentence imposed in the judgment dated 15.09.2025 in CrI.A.No.79 of 2025 on the file of Principal Sessions Judge, Chennai, by confirming the judgment of conviction imposed in C.C.No.547 of 2023, on the file of the XIII Metropolitan Magistrate Egmore, Chennai dated 30.12.2024 by allowing this Criminal Revision Case.



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For Petitioner(s): Mr.T.N.Rangesh Kanna

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Principal Sessions Judge, Chennai, in Crl.A.No. 79 of 2025 dated 15.09.2025 confirming the judgment of conviction imposed in C.C.No.547 of 2023 dated 30.12.2024 on the file of XIII Metropolitan Magistrate, Egmore, Chennai, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The petitioner herein is the accused in C.C.No.547 of 2023 on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai. He was found guilty of the offences under Section 294(b), 323 and 325 of IPC/BNS and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 294(b) and 323(2 counts) of I.P.C.	to pay fine of Rs.500/- each, in default to undergo simple imprisonment for one month each.
2	Section 325 of IPC	to undergo simple imprisonment for a period of one year and to pay fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month.



Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed the present miscellaneous petition.

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3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he along with other accused restrained the defacto complainant, abused him in a filthy language, questioned him for talking in mobile phone and also pushed him down, due to which, he sustained injury. He would further submit that he is in judicial custody from the date of judgment i.e. On 15.09.2025 for more than two months. He would further submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition stating that the defacto complainant is running a hotel, wherein on the date of occurrence, he along with other accused restrained the defacto complainant, abused him in a filthy language, questioned him for talking in mobile phone and also pushed him down, due to which, he sustained injury.. Further, he would contend that the evidences recorded from the prosecution



witnesses would prove the case of the prosecution beyond reasonable doubt.

According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. According to the prosecution, on the date of occurrence, the petitioner along with other accused restrained the defacto complainant, abused him in a filthy language, questioned him for talking in mobile phone and also pushed him down, due to which, he sustained injury and he is in judicial custody from the date of judgment i.e. on 15.09.2025 for more than two months and he is ready to abide any condition imposed by this court. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this Criminal Revision Case is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.



7. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) the petitioner **shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of C.C.No.547 of 2023 on the file of learned XIII Metropolitan Magistrate, Egmore, Chennai, within a period of two weeks from the date of receipt of copy of this order. Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.**

(b) The petitioner/accused is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the learned **XIII Metropolitan Magistrate, Egmore, Chennai.**

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds



and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

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(d) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case 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 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

17-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. Principal Sessions Judge, Chennai.

2. XIII Metropolitan Magistrate, Egmore, Chennai.

3. Sub Inspector of Police, V-5, Thirumangalam Police Station, Chennai – 101.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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**17-11-2025
(2/2)**