



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.20165 & 20166 of 2025
in Crl.R.C.No.2191 of 2025**

1.R.Sabarinathan
2.A.Prabu

...Petitioners in both Crl.M.Ps

Versus

State Rep. by
The Sub Inspector of Police,
Avalur Police Station,
Ranipet District.
(Crime No.162/2021)

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.20165 of 2025 in Crl.R.C.No.2191 of 2025:

This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023 praying to suspend the sentence imposed on the petitioners in C.A.No.23 of 2024 dated 20.09.2025 on the file of the I Additional District and Sessions Judge, Ranipet, Ranipet District by modifying the order passed in C.C.No.1 of 2022 dated 09.10.2024 on the file of the District Munsif-cum-Judicial Magistrate Court No.I, Walajapet pending disposal of the above revision petition.



Prayer in Crl.M.P.No.20166 of 2025 in Crl.R.C.No.2191 of 2025:

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This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioners from surrendering before the District Munsif-cum-Judicial Magistrate Court No.I, pursuant to the sentence imposed on the petitioners in C.A.No.23 of 2024 dated 20.09.2025 on the file of the I Additional District and Sessions Judge, Ranipet, Ranipet District by modifying the order passed in C.C.No.1 of 2022 dated 09.10.2024 on the file of the District Munsif-cum-Judicial Magistrate Court No.I, Walajapet.

For Petitioners in both Crl.M.Ps	:	Mr.S.Sairaman
For Respondent in both Crl.M.Ps	:	Dr.C.E.Pratap, Govt. Advocate (Crl.Side)

COMMON ORDER

The Criminal Miscellaneous Petition No.20165 of 2025 has been filed by the Petitioners seeking to suspend the sentence imposed on them by the learned District Munsif-cum-Judicial Magistrate No.I, Walajapet vide Judgment dated 09.10.2024 in C.C.No.1 of 2022 which was modified by the learned I Additional District and Sessions Judge, Ranipet, Ranipet District vide Judgment dated 20.09.2025 in Crl.A.No.23 of 2024 and enlarge them on bail pending disposal of the above Criminal Revision Petition.



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2. The Criminal Miscellaneous Petition No.20166 of 2025 has been filed by the Petitioners seeking to exempt them from surrendering before the District Munsif-cum-Judicial Magistrate Court No.I, pursuant to the sentence imposed on them in C.A.No.23 of 2024 dated 20.09.2025 on the file of learned I Additional District and Sessions Judge, Ranipet, Ranipet District by modifying the order passed in C.C.No.1 of 2022 dated 09.10.2024 on the file of the District Munsif-cum-Judicial Magistrate Court No.I, Walajapet.

3. The Petitioners are Accused in C.C.No.1 of 2022 on the file of the learned District Munsif-cum-Judicial Magistrate No.I, Walajapet. The Petitioners/Accused were found guilty of the offence under Sections 448 and 326 r/w. 34 of I.P.C. Therefore, the trial Court vide Judgment dated 09.10.2024 in C.C.No.1 of 2022, convicted the Petitioners/Accused and sentenced them as follows:

S.No.	Offence	Sentence
1	Under Section 326 r/w. 34 of I.P.C	To undergo simple imprisonment for 3 years and to pay a fine of Rs.1,000/- each, in default, to undergo 1 month simple imprisonment.
2	Under Section 448 of I.P.C	To undergo simple imprisonment for 6 months



Aggrieved by the said conviction and sentence, Petitioners/Accused had preferred a Criminal Appeal in C.A.No.23 of 2024 before the I Additional District and Sessions Judge, Ranipet, Ranipet District. However, the Appellate Court vide Judgment dated 20.09.2025, partly allowed the Criminal Appeal and modified the sentence imposed on the Petitioners/Accused by observing as follows:

“In the result, the Appeal is partly allowed. The conviction and sentence awarded by the District Munsif-cum-Judicial Magistrate No.I, Walajapet in the Judgment dated 09.10.2024 in C.C.No.1/2022 as against the appellants/accused 1 and 2 U/section 448 IPC is confirmed and conviction and sentence U/section 326 r/w. 34 of IPC is hereby set aside and the accused 1 and 2 are convicted U/section 324 r/w. 34 of IPC instead of U/section 326 r/w. 34 of IPC. The sentence awarded to both accused U/section 326 r/w. 34 of IPC is now modified and they are sentenced to undergo for 6 months each simple imprisonment for the offence U/section 324 r/w. 34 of IPC and to pay fine of Rs.5,000/- each, in default, to pay fine to undergo S.I for 15 days each. It is ordered that the sentence awarded to the appellants/accused 1 and 2 for the offences U/sections 324 r/w. 34 and 448 of IPC shall run concurrently. The accused 1 and 2 is entitled to set off as provided U/section 428 of Cr.P.C. The appellants are ordered to surrender before the District Munsif-cum-Judicial Magistrate No.I, Walajahpet within 30 days from the date of this Judgment and the trial court shall secure them and commit them to the prison to undergo the remaining sentences, if any. If the appellants fail to surrender before the trial Court within 30 days, the respondent Police shall obtain necessary warrant from the concerned trial court to secure and produce the appellants before the trial court. The trial court is directed to recover the balance fine amount from the accused at the time of their surrender.”

Hence, Petitioners/Accused have filed the present Criminal Revision Case before this Court.



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4. The learned counsel for the Petitioners/Accused submitted that Petitioners/Accused have a fair chance of succeeding in the Criminal Revision Case and they are ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the Petitioners/Accused may be suspended.

5. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent Police submitted that the Petitioners/Accused have no previous criminal antecedents.

6. Heard the learned counsel for Petitioners/Accused and the learned Government Advocate (Crl.Side) for respondent Police.

7. Considering the submissions made by the learned counsel for the Petitioners/Accused coupled with the quantum of punishment imposed on the Petitioners/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 the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the Petitioners/Accused shall be suspended on condition that they shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The Petitioners/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 Petitioners/Accused 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

8. With the above directions, Criminal Miscellaneous Petition No.20165 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.20166 of 2025 is closed.

30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list the Criminal Revision Case for hearing on 13.01.2026

To

- 1.The District Munsif-cum-Judicial Magistrate No.I, Walajapet.
- 2.The I Additional District and Sessions Judge, Ranipet, Ranipet District.
- 3.The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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