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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.2341 of 2025

Langeswaran

... Petitioner

Vs.

Sudarsanan

... Respondent

PRAYER : This petition is filed under Section 438 r/w 442 of Cr.P.c to set aside the order dated 06.10.2025 in Criminal Miscellaneous Petition No.1246 of 2025 in Criminal Appeal No.14 of 2025 on the file of Session Judge, Tirupattur and suspend the sentence imposed on the petitioner on 15.07.2025 in S.T.C.No.570 of 2013 on the file of Judicial Magistrate No.II, Tirupattur and pass orders.

For Petitioner : Mr.V. Ramamurthy

ORDER

This Criminal Revision Case has been filed to set aside the order dated 06.10.2025 in Criminal Miscellaneous Petition No.1246 of 2025 in Criminal Appeal No.14 of 2025 on the file of Session Judge, Tirupattur and suspend the sentence imposed on the petitioner on 15.07.2025 in S.T.C.No.570 of 2013 on the



file of Judicial Magistrate No.II, Tirupattur

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2.The facts of the case is that the petitioner has filed an appeal against the Judgment and sentence of the Judicial Magistrate No.II Court, Tirupattur and on the date of the Judgment i.e 15.07.2025, due to the Advocate boycott and the petitioner's poor health, he was unable to attend the Court, hence the Trial Court convicted and sentenced the petitioner, issuing a Non-Bailable warrant against him, that the petitioner filed medical certificate to substantiate his health condition, further stated that there was fair chance of success in appeal and prays to suspend the execution of sentence till the disposal of the appeal. The learned Judge has dismissed the petition which has given rise to this petition.

3. The learned counsel for the petitioner submitted that the court below ought to have seen that the petitioner is unable to be present on the date of the Judgment due to his ill health and has also produced the medical certificate to that effect and the same was not taken note by the learned Judge. He further submitted



that the sentence imposed against the petitioner is less than three years and

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therefore the same can be suspended by the Trial Court. Hence prays to allow this petition.

4. Heard. Records Perused.

5. On a perusal of the impugned order it reveals that the learned Judge has dismissed the petition on the ground that the reasons stated by the petitioner for the absence of the date of the Judgment and no adverse inference was drawn against the petitioner.

6. In view of the above facts, this Court directs the petitioner to deposit a sum of Rs.3,00,000/- to the S.T.C.No.570 of 2013 on the file of the Judicial Magistrate No.II, Tirupattur within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made the defacto complainant is permitted to withdraw the same on proper identification in the manner known to



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7. With the above directions this Criminal Revision Case is allowed and the order passed on 06.10.2025 in Criminal Miscellaneous Petition No.1246 of 2025 in Criminal Appeal No.14 of 2025 on the file of Session Judge, Tirupattur is set aside.

11.11.2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Session Judge, Tirupattur

2. The learned Judicial Magistrate No.II, Tirupattur

T.V.THAMILSELVI, J.

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