



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.20958 & 20961 of 2025
in Crl.R.C.No.2310 of 2025**

Subburayan

...Petitioner in both Crl.M.Ps

Versus

The State Represented by
Inspector of Police,
District Crime Branch Police Station,
Thiruvarur District.
(Cr.No.3/2015)

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.20958 of 2025 in Crl.R.C.No.2310 of 2025:

This Criminal Miscellaneous Petition is filed under Section 438 of BNSS, 2023 praying to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Thiruvarur passed the Judgment in C.C.No.171 of 2017 dated 30.06.2023 as confirmed by the Appellate Court in C.A.No.07 of 2025 dated 09.09.2025 on the file of Principal District and Sessions Judge, Thiruvarur pending disposal of the above Criminal Revision Petition on the file of this Court.



Prayer in Crl.M.P.No.20961 of 2025 in Crl.R.C.No.2310 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to grant exemption of surrendering for order passed by the Principal District and Sessions Judge, Thiruvarur in C.A.No.07 of 2025 Judgment dated 09.09.2025 till the disposal of the accompanying revision petition filed along with the revision petition.

For Petitioner in both Crl.M.Ps : Mr.S.Arivazhagan

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

COMMON ORDER

The Criminal Miscellaneous Petition No.20958 of 2025 has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Judicial Magistrate, Thiruvarur vide Judgment dated 30.06.2023 in C.C.No.171 of 2017 which was confirmed by the learned Principal District and Sessions Judge, Thiruvarur vide Judgment dated 09.09.2025 in C.A.No.07 of 2025 and enlarge him on bail pending disposal of the present Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.20961 of 2025 has been filed by the petitioner seeking to exempt him from surrendering before the



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trial Court in pursuance to the Judgment dated 09.09.2025 in C.A.No.07 of 2025 passed by the learned Principal District and Sessions Judge, Thiruvarur, till the disposal of present Revision Petition.

3. The petitioner is an accused in C.C.No.171 of 2017 on the file of Judicial Magistrate Court, Thiruvarur. The petitioner/accused was found guilty of the offence under Section 471 of IPC. Therefore, the trial Court vide Judgment dated 30.06.2023 in C.C.No.171 of 2017, convicted the petitioner/accused and sentenced him to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.2,000/-, in default, to undergo 1 month simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused had preferred a Criminal Appeal in C.A.No.7 of 2025 before the Principal District and Sessions Court, Thiruvarur. However, the Appellate Court vide Judgment dated 09.09.2025, dismissed the said Criminal Appeal and confirmed the judgment of the 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 the Courts below failed to note that the prosecution evidence suffers from material contradictions, inconsistencies and lack of corroboration. The prosecution's case is based merely on assumptions and surmise without any legally admissible evidence connecting the petitioner to the alleged offence.

4.1. It is further submitted by the learned counsel for petitioner/accused that petitioner/accused has no previous criminal antecedents and he has been falsely implicated in this case.

4.2. The learned counsel for petitioner/accused also submitted that petitioner/accused has a fair chance of succeeding in the Criminal Revision Case and petitioner/accused 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 on behalf of the respondent Police submitted that petitioner/accused was found guilty



of the offence under Section 471 of IPC and thus, the trial Court has convicted and sentenced the petitioner/accused which was also rightly confirmed by the Appellate Court.

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

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 petitioner/accused shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only), to the credit of Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartments, Sabari Salai, Madipakkam, Chennai – 600 091 bearing Account No.921010003441816 and IFSC



Code: UTIB0000083, Mobile No.9840894264, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) The sentence of imprisonment imposed on petitioner/accused shall be suspended on condition that he 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;

(iii) 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;

(iv) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m., and he shall also 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 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.



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9. With the above directions, Criminal Miscellaneous Petition No.20958 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.20961 of 2025 is closed.

10.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Crl.R.C.No.2310 of 2025 for hearing on 22.01.2026.

To

- 1.The Judicial Magistrate,
Thiruvarur.
- 2.The Principal District and Sessions Judge,
Thiruvarur.
- 3.The Inspector of Police,
District Crime Branch Police Station,
Thiruvarur District.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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