



Crl.O.P.No.34014 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.34014 of 2025

Siva

...Petitioner

Vs.

The State rep. by,
Inspector of Police,
Jalakandapuram Police Station,
Salem District.
Crime No.11 of 2024.

...Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to set aside order passed in Crl.MP.No.275 of 2025 dated 12.11.2025 on the file of the Additional District and Session Judge, Mettur.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.S.Santhosh, GA (Crl. Side)

ORDER

This criminal original petition has been filed seeking to quash the order dated 12.11.2025 passed in Crl.MP.No.275 of 2025 on the file of the learned Additional District and Session Judge, Mettur.



Crl.O.P.No.34014 of 2025

2. The brief facts are as follows:-

2.1 Vide order dated 07.10.2025 passed by the trial court in CC.No.380 of 2024, the petitioner was convicted and sentenced as under:

<i>S.No</i>	<i>Provision of law under which convicted</i>	<i>Sentence</i>
1.	279 of IPC	<i>Simple imprisonment for a period of three months and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for a further period of two weeks.</i>
2.	304A of IPC	<i>Simple imprisonment for a period of one year and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for a further period of one month.</i>

2.2 Aggrieved by the same, the petitioner preferred an appeal before the lower appellate court in Crl.A.No.182 of 2025 along with a petition seeking suspension of execution of conviction instead of suspension of sentence in Crl.MP.No.275 of 2025 and the lower appellate court, vide impugned order dated 12.11.2025, dismissed the said petition. Challenging the same, the petitioner has come up with this petition.



WEB COPY

3. Though myriad grounds have been raised, the learned counsel for the petitioner fairly submitted that, the petition was filed seeking only to suspend the sentence imposed on the petitioner and not the execution of conviction, however, inadvertently, it was mentioned as if the same was filed seeking suspension of execution of conviction. Hence, he submitted that, it would suffice if this Court permits the petitioner to file a fresh petition seeking suspension of sentence alone and upon filing of such petition, appropriate orders may be passed by the learned appellate court at the earliest. Accordingly, he prayed for appropriate orders.

4. In view of the limited request now made by the learned counsel for the petitioner, this Court, without going into the merits of the case and without interfering with the order impugned, grants liberty to the petitioner to make a fresh petition before the lower appellate court seeking suspension of sentence imposed on him. Upon filing of such petition, the lower appellate court shall consider the same and pass orders on merits and in accordance with law.



CrI.O.P.No.34014 of 2025

WEB COPY

5. Accordingly, this criminal original petition stands disposed of

with the aforestated liberty.

15.12.2025

skt

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1. The Additional District and Session Judge,
Mettur.
2. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.34014 of 2025

A.D.JAGADISH CHANDIRA, J.

skt

CrI.O.P.No.34014 of 2025

15.12.2025