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Crl.R.C.No.2668 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2668 of 2025

1. Rajkumar
2. Martin

... Petitioners

Vs.

State Represented by
Inspector of Police,
Avinashi Police Station,
Tiruppur.
Crime No.324 of 2022

...Respondent

PRAYER: Criminal Revision Petition filed under Section 442 of BNSS to call for the records pertaining to Crl.M.P.No.01 of 2025 in C.A.No.152 of 2025 dated 04.11.2025 passed by the learned II Additional District and Sessions Judge, Tiruppur and quash the same.

For Petitioners : Mr.L.Jaivenakatesh

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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JUDGMENT

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The Revision Petition has been filed challenging the order passed in Crl.M.P.No.01 of 2025 in C.A.No.152 of 2025 dated 04.11.2025 by the learned II Additional District and Sessions Judge, Tiruppur.

2. It is the case of the prosecution that the petitioners along with A2 were riding triples in a motor cycle; that they were intercepted by PW1 and PW2; that they did not stop the vehicle; that thereafter, A2 attacked PW2 with iron rod on his head; and that the petitioners are guilty of the offence under Sections 353, 307 r/w Section 34 of the IPC.

3. The trial Court convicted the petitioners for the offence under Section 307 r/w 34 of the IPC and sentenced them to undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- in default to suffer simple imprisonment for three months and convicted the petitioners for the offence under Section 353 of the IPC and sentenced them to undergo simple imprisonment for one year.



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4. The petitioners filed an appeal before the learned II Additional District and Sessions Judge, Tiruppur. The learned Judge dismissed the petition for suspension of sentence on the ground that the petitioners were in custody for 1 ½ months.

5. The learned counsel for the petitioners would submit that admittedly A2 had attacked PW1 and PW2 and that no specific overt act has been attributed to A1 and A3, who are petitioners before this Court; that they cannot be implicated even with the aid of Section 34 of IPC as they had no intention to attack; and that the order of the appellate Court dismissing the petition for suspension of sentence, is liable to set aside.

6. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioners were very much present at the scene of occurrence and that they had common intention.



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7. Considering the facts and circumstances of the case and the submissions on either side, this Court is of the view that the learned Judge ought to have suspended the sentence imposed by the trial Court pending the appeal. Hence, this Court is inclined to suspend the sentence on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Tiruppur;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioners shall appear before the trial Court on the **first working day of every month at 10.30 a.m.** until further orders 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 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.



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8. In view of the above, the order dated 04.11.2025 in Crl.M.P.No.01 of 2025 passed by the learned II Additional District and Sessions Judge, Tiruppur is set aside and the Criminal Revision is allowed.

05.12.2025

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

Issue order copy by 18.12.2025

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SUNDER MOHAN, J.

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- To
- 1.The II Additional District and Sessions Judge, Tiruppur
 - 2.Inspector of Police,
Avinashi Police Station,
Tiruppur.
 - 3.The Superintendent of Prisons,
Central Prison, Coimbatore.
 - 4.The Public Prosecutor,
High Court, Madras.

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