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Crl.M.P.Nos.24457 & 24459 of 2025
in Crl.R.C.No.2817 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24457 & 24459 of 2025

in

Crl.R.C.No.2817 of 2025

U.Muthukumaravel

...Petitioner

-VS-

State. Rep by
The Inspector of Police,
District Crime Branch,
Coimbatore.

...Respondent

PRAYER in Crl.M.P.No.24457 of 2025: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the execution of sentence dated 24.11.2025 made in C.A.No.122 of 2017 by the learned V additional District and Sessions Judge, Coimbatore confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Coimbatore, dated 19.05.2017 made in CC.No.38 of 2011.

PRAYER in Crl.M.P.No.24459 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying for exemption from surrender of the



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petitioner before the V Additional District and Sessions Judge, Coimbatore in Crl.A.No.122 of 2017, Judgment dated 24.11.2025 confirming the order passed by the Judicial Magistrate No.1, Coimbatore in C.C.No.38 of 2011 Judgment dated 19.05.2017.

For Petitioner : Mr.P.Saravan Sowmiyan
For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned _____, in Crl.A.No.122 of 2017 dated 24.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 408 of IPC, and sentenced him to undergo one year Rigorous Imprisonment and to imposed a fine of Rs.500 and in default, to undergo Simple Imprisonment for three months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.



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2.The gist of the allegation is that the petitioner had misappropriated a sum of Rs.3,58,080/- from the company in which he was employed and thus committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that the Judgements of the Courts below are liable to be set aside; that claiming the very same amount the defacto complainant had filed a civil suit in O.S.No.253 of 2009 before the II Additional Subordinate Court, Coimbatore, which was dismissed; that the defacto complainant had challenged the same before the Appellate Court in A.S.No.21 of 2013 on the file of the IV Additional District Court, Coimbatore, which also came to be dismissed; that the second appeal filed before this Court also was dismissed for non-prosecution and that the petitioner has raised substantial grounds in the above Revision.

4.There is considerable force in the submissions made by the learned counsel for the petitioner and there are substantial grounds raised in the above revision which require consideration. Hence, this Court is inclined to grant



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suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

- (i)The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Coimabatore;
- (ii)The petitioner 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 petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

5. Accordingly, these Criminal Miscellaneous Petitions are ordered

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(2/2)

Tsg

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To

1.The
Coimbatore.

2.The

The Inspector of Police,
District Crime Branch,
Coimbatore.

The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

Tsg

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**18.12.2025
(2/2)**