



WEB COPY



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24538 & 24540 of 2025

in

Crl.R.C.No.2834 of 2025

Jothi Kalimuthu

... Petitioner in both cases

Vs.

State represented by
The Sub Inspector of Police,
Oothiyur Police Station,
Crime No.70/2014.

... Respondent in both cases

PRAYER in Crl.M.P.No.24538 of 2025: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence imposed by the learned III Additional District & Sessions Judge, Dharapuram in Crl.A.No.13 of 2021 by judgment dated 05.12.2025 and partly confirming the judgment passed by the learned Judicial Magistrate, Kangeyam in C.C.No.413 of 2014 dated 16.02.2021 and release the petitioner on bail pending disposal of the criminal revision.

PRAYER in Crl.M.P.No.24540 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to exemption of surrender imposed in Crl.A.No.13 of 2021 by judgment dated 05.12.2025 by the learned III Additional District & Sessions Judge, Dharapuram and by partly confirming



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

the Judgment passed in C.C.No.413 of 2014 dated 16.02.2021 by the learned
Judicial Magistrate, Kangeyam pending disposal of the criminal revision.

For petitioner : Mr.P.Muthukumarasamy

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

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 16.02.2021 passed in C.C.No.413 of 2014 by the learned Judicial Magistrate Kangeyam, and confirmed vide judgment dated 05.12.2025 in Crl.A.No.13 of 2021, by the learned III Additional District and Sessions Judge, Dharapuram, and also to exempt him from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

2. The petitioner was convicted by the trial Court for the offence under Section 341, 325 of IPC and was sentenced to pay fine of Rs.500/- in default to undergo one week simple imprisonment under Section 341 of IPC and one year simple imprisonment and to pay a fine of Rs.2000/- in default to undergo simple imprisonment for two months under Section 325 of IPC.



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

WEB COPY

3. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.13 of 2021. The appellate Court, vide judgment dated 05.12.2025 confirmed the judgment of conviction and sentence passed by the trial Court.

4. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2834 of 2025 and pending revision has sought for suspension of sentence and exemption from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

5. The learned counsel for the petitioner submitted that though the Trial Court convicted the petitioner for the offences under Section 341, 325 of IPC, the petitioner was acquitted of the offence under Section 341 of IPC by the Appellate Court; that the offence under Section 325 of IPC is not made out, as the allegation against the petitioner is that he had bitten the ear of the victim, which is contrary to the medical evidence adduced by the



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

prosecution; and that P.W8 the Doctor had opined that there were no bite marks and the injury sustained by the injured is a lacerated injury. The learned counsel submitted that, in view of above, the judgment is liable to be set aside.

6. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

7. This Court is of the prima facie view that there is a considerable force in the submissions made by the learned counsel for the petitioner that the evidence of the victim is contrary to the medical evidence adduced by the prosecution. Considering the above facts, this Court is inclined to suspend the sentence imposed on the petitioner and exempt him from surrendering before the trial Court.

8. Accordingly, these Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision cases, the sentence imposed upon the petitioner by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:



WEB COPY



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

(a) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties, each for a like sum to the learned Judicial Magistrate, Kangeyam;

(b) 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

(c) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that 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.

(d) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered.



WEB COPY



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

19.12.2025
(2/2)

dpa

To

- 1.The III Additional District & Sessions Judge, Dharapuram
- 2.The Judicial Magistrate, Kangeyam
- 3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

dpa

Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025



WEB COPY



Crl.M.P.Nos.24538 & 24540 of 2025
in Crl.R.C.No.2834 of 2025

19.12.2025
(2/2)