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CRL MP No. 24872 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL MP No. 24872 of 2025

in

CRL A NO. 1960 OF 2025

Prabhu
S/o. Mani

Petitioner(s)

Vs

The State Rep by, The Inspector of
Police,
Denadu Combai Police Station, The
Nilgiris. Cr.No.259/2018.

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 415 of B.N.S.S. Act, 2023 praying to suspend the sentence imposed on the petitioner by a judgment dated 28.11.2025 made in S.C. No.1 of 2019 on the file of the learned Sessions Judge, Mahila Court (Fast Track), Udthagamandalam till the disposal of the Criminal Appeal.

For Petitioner(s): T. Shanmugam

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed by the petitioner to suspend the sentence imposed against this petitioner through an order dated 28.11.2025 made in S.C. No.1 of 2019 on the file of the learned Sessions Judge, Mahila Court (Fast



Track), Udhagamandalam till the disposal of the Criminal Appeal..

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2. The learned counsel appearing for the petitioner would contend that this petitioner was arrayed as first accused and his family members were also arrayed as accused. Initially the case has been registered in Cr. No.259 of 2018 for the offences under Sections 498-A and 306 of IPC on the file of the Judicial Magistrate Court, Udhagamandalam and thereafter, the case has been committed and the Sessions Court, Fast Track Mahila Court, Udhagamandalam has taken cognizance of the case in S.C. No.1 of 2019 and after trial, the trial Court has convicted the petitioner under Section 498(A) of IPC and sentenced to undergo 3 years of Rigorous Imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 3 months Simple Imprisonment and convicted the petitioner for the offence under Section 306 of IPC and sentenced to undergo 3 years of Rigorous Imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 3 months Simple Imprisonment through a judgment dated 28.11.2025. Aggrieved by the said judgment, the petitioner has preferred a criminal appeal. The judgment of the trial Court has suffered several legal infirmities and the petitioner has a fair chance to succeed in the appeal. Already the petitioner filed a petition before the trial Court and the sentence was suspended by the trial Court through an order dated 28.11.2025 in Crl. M.P. No.2093 of 2025 for a period of 30 days till 28.12.2025. Therefore, prayed to suspend the sentence and to grant bail to the petitioner during the pendency of



the main appeal.

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3. The learned Government Advocate (Criminal side) appearing for the respondent would contend that based on the evidences only, the trial Court has convicted the accused for the offences under Sections 498(A) and 306 of IPC and sentenced to undergo 3 years of Rigorous Imprisonment and to pay a fine amount of Rs,5000/-, in default, to undergo 3 months Simple Imprisonment for each offence. The Trial Court came to a fair conclusion based on the evidences and the prosecution has proved the charges beyond reasonable doubts and the offences are grave in nature and therefore, strongly objected to suspend the sentence imposed by the trial Court.

4. Heard both sides and perused the materials available on record.

5. The petitioner had faced trial for the offences under Sections 498(A) and 306 of IPC in S.C. No.1 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Udhagamandalam and he has been convicted and sentenced to undergo 3 years of rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months simple imprisonment for the offence under Section 498(A) of IPC and to undergo 3 years of rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months simple imprisonment for the offence under Section 306 of IPC.



6. On a perusal of records, it is seen that the petitioner is on bail during the trial proceedings and the trial Court also suspended the sentence till 28.12.2025. Considering the nature of offences, the quantum of punishment imposed by the trial Court and there are arguable points in this case, it is appropriate to suspend the sentence imposed by the trial Court.

7. Accordingly, this Criminal Miscellaneous Petition is allowed and the sentence of imprisonment ordered by the trial Court through the impugned judgment dated 28.11.2025 in S.C. No.1 of 2019 is suspended subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate Court, Udhagamandalam** and on further condition that:

[b] the petitioner shall report before the learned Judicial Magistrate, Udhagamandalam on the first working day of every English Calendar month at 10.30 a.m. until further orders.

30-12-2025
[1/2]

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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P.DHANABAL J.
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To

- 1.The Judicial Magistrate, Udhagamandalam
- 2.The Public Prosecutor, Madras High Court.
3. The State Rep by, The Inspector of Police,
Denadu Combai Police Station, The Nilgiris.

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