



CRL MP(MD) No.3709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.3709 of 2025

in

CrI.A(MD) No.77 of 2019

V.Gopal

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Bodi Taluk Police Station,
Theni District.
(Crime No.572/2015)

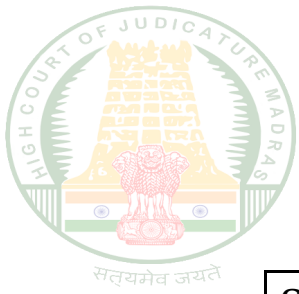
... Respondent

For Petitioner : Mr.L.Shaji Chellan

For Respondent : Mr.A.S.Abdul Kalam Azad
Government Advocate (CrI Side)

ORDER

The petitioner, an accused in S.C.No.84 of 2016, on the file of the Additional District and Sessions Court (Fast Track Court), Theni was found guilty by the trial Court and he was convicted and sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1.	294b IPC	-	Rs.1,000/-	3 months simple imprisonment
2.	304(ii) IPC	7 years Rigorous Imprisonment	Rs.2,000/-	6 months simple imprisonment

As against the conviction and sentence imposed by the trial Court in SC.No.84 of 2016, dated 07.12.2018, the petitioner has filed a Criminal Appeal in CrI.A(MD) No.77 of 2019 and the same has been admitted by this Court on 01.03.2019. The petitioner has also moved an application to suspend the sentence imposed on him by the trial Court in CrI.MP(MD)No.1851 of 2019. Considering the grounds of appeal and the reasons assigned in the application, this Court, by its order, dated 12.04.2019 has suspended the sentence imposed as against this petitioner with certain conditions. The petitioner has also complied with the condition and subsequently the condition was relaxed by this Court, on the application filed by him in CrI.MP(MD) No.7092 of 2019, dated 13.09.2019. However, when the Criminal Appeal was listed for final disposal on 09.09.2024, there was no representation for the appellant. Therefore, this Court, by its order dated 09.09.2024, directed the Additional District and Sessions Court(Fast Track Court), Theni to issue warrant as against the



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petitioner/appellant and secure him to serve the sentence pending the appeal.

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Accordingly a warrant was issued and this petitioner was also secured on 27.09.2024 and since then he is in jail. Therefore, the petitioner has now moved this CrI.MP(MD) No.3709 of 2025 to suspend the sentence imposed on him by the trial Court.

2.The learned counsel for the petitioner admits that when the appeal was listed for final disposal, there was no representation for the petitioner/appellant as the counsel on record Mr. Anbu Saravanan died. The learned counsel has produced a proceedings of the Bar Council of Tamilnadu and Puducherry in AWF No.146/2023, dated 10.04.2023 for disbursement of the Advocate Welfare Fund for the deceased Anbusaravanan.

3.The learned Government Advocate appearing for the respondent has also confirmed the same and submits that the petitioner was granted with suspension of sentence by this Court, by its earlier order, dated 12.04.2019 and the condition imposed on him was also relaxed on 13.08.2019.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The earlier application filed by this petitioner for suspension of sentence in Crl.MP(MD) No.1851 of 2019 was ordered by this Court on 12.04.2019 and the condition imposed on him was also relaxed on 13.08.2019, on his application that he has complied with the condition regularly. However, he was remanded subsequently pursuant to the warrant of arrest issued by the trial Court, in view of the directions issued by this Court on 09.09.2024. It is reported that this petitioner is in jail from 27.09.2024.

6.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately and also the fact that he was already granted with suspension of sentence by this Court in the year 2019, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged



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on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only)

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with two sureties each for a like sum **(the sureties shall be the same, when he was granted with suspension of sentence by this Court in earlier occasion on 12.04.2019)** to the satisfaction of the learned Judge, Additional District and Sessions Court (Fast Track Court), Theni and on further condition that the petitioner shall report before the trial Court, once in a month on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
24/03/2025

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24/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1 THE JUDGE,
ADDITIONAL DISTRICT AND SESSIONS COURT (FAST
TRACK COURT), THENI.

2 THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION,
THENI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3709 of 2025
in
Crl.A(MD) No.77 of 2019
Date :24/03/2025

SS/SAR- /24/03/2025/ 6P/5C

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