



CRL.M.P.(MD)No.15817 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2025

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL.M.P.(MD)No.15817 of 2025

in

CRL.R.C.(MD)No.1386 of 2025

Shanmugapandi,
S/o.Murugaiyathevar,
Pillaiyarkoil North Street,
Rajapandi, Tenkasi District.

... Petitioner

vs.

The State of Tamil Nadu,
represented by the Sub Inspector of Police,
V.K.Pudhur Police Station,
Tenkasi District.
(in Cr.No.226 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438 of BNSS, 2023, to suspend the sentence of imprisonment and conviction dated 10.06.2025 made in Crl.A.No.23 of 2025, on the file of the learned Principal District Judge, Tenkasi, confirming the judgment and conviction, dated 27.07.2023 made in S.C.No.455 of 2017, on the file of the learned Principal Assistant Sessions Judge, Tenkasi and enlarge the petitioner on bail pending disposal of the Criminal Revision Petition.



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For Petitioner :Mr.P.M.Basil

For Respondent :Mr.Vaikkam Karunanithi
Government Advocate

ORDER

Heard Mr.P.M.Basil, learned Counsel for the Revision Petitioner and Mr.Vaikkam Karunanithi, learned Government Advocate for the respondent.

2. This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed on petitioner by Principal Assistant Sessions Judge, Tenkasi, in S.C.No.455 of 2017, dated 27.07.2023, which was confirmed by Principal District Judge, Tenkasi in Crl.A.No.23 of 2025, dated 10.06.2025.

3. Learned counsel for petitioner would submit that petitioner was convicted by Principal Assistant Sessions Judge, Tenkasi in S.C.No.455 of 2017, dated 27.07.2023 for offence under Section 307 of IPC and to undergo rigorous imprisonment for a period of seven years. Aggrieved petitioner filed Criminal Appeal No.23 of 2025, before Principal District



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Judge, Tenkasi and the lower Appellate Court vide order dated 10.06.2025, dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved petitioner has filed present Criminal Revision Petition in Crl.RC(MD)No.1386 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence.

4. Learned Counsel for petitioner would submit that petitioner has raised substantial grounds in the above revision, which requires consideration. He would further submit that petitioner has been confined at Central Prison, Palayamkottai, since 2021. It was submitted by learned Counsel that petitioner being a senior citizen, suffers from age related ailments. Injuries are simple in nature and injured persons were not examined in a Government Hospital, instead were examined in a private hospital viz., Santhi Multispeciality Hospital, Tenkasi. It was also submitted that more than half of the sentence has been completed by petitioner. It was also submitted that three persons were injured and even as per prosecution case, none of them sustained grievous injuries. Hence, he prayed for granting suspension of sentence and bail to petitioner.



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5. Learned Government Advocate appearing for respondent opposed the above submissions of learned counsel for petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioner at this stage be refused by this Court.

6. Having considered the submissions, this Court is inclined to suspend the sentence for the following reasons:

- (i) There are arguable points raised in revision.
- (ii) Petitioner's age is about 71 years and stated to be suffering/inflicted with age related ailments.
- (iii) Injuries are not grievous in nature.
- (iv) Petitioner has been under incarceration for more than 4 ½ years.

6.1. Keeping in view the above circumstances, in particular, the fact that substantial portion of the total sentence has been undergone by petitioner, this Court is of the view that this is a fit and proper case for granting suspension of sentence¹ for it is also likely to take a while

¹ Mossa Koya KP vs State (NCT of Delhi), (2022) 17 SCC 545



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before the revision is finally heard². In view thereof, this Court is inclined to grant suspension of sentence and bail, on the following conditions, till disposal of the above Criminal Revision:

i) Petitioner is directed to be enlarged on bail on his executing 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 Principal Assistant Sessions Judge, Tenkasi;

ii) Petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

iii) Petitioner shall appear and sign before Principal Assistant Sessions Judge, Tenkasi, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

iv) In case, if petitioner 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. (corresponding to 355 B.N.S.S) 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.

² Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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7. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

01.12.2025

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Note: Issue Order Copy on 10.12.2025.
To

- 1.The Principal District Judge, Tenkasi.
- 2.The Principal Assistant Sessions Judge, Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

Copy To:

The Central Prison, Palayamkottai.



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MOHAMMED SHAFFIQ., J.

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