



CRL MP(MD). No.19368 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **09/12/2025**

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). No.19368 of 2025
in
CRL RC(MD)No.1542 of 2025

Super @ Balasubramanian
S/o.Subburayan

... Petitioner

Vs

The State of Tamilnadu Rep
By Inspector Of Police,
Kattuputhur Police Station
Trichy District
Crime No.192/2014

... Respondent

PRAYER in Crl.M.P.(MD).No.19368 of 2025 :-

To Suspend the sentence imposed upon the petitioner in Crl.A.No. 119 of 2022 by the file of the III Additional District and Sessions Court, Trichy Dated 09.10.2025 made modifying the Judgment of conviction dated 26.09.2022 made in C.C.No.46 of 2022 by the District Munsif cum Judicial Magistrate, Thottiyam and enlarge him on bail pending disposal of the main Criminal Revision Petition.



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For Petitioner : Mr.T.Leninkumar
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

Heard Mr.T.Leninkumar, learned Counsel for petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, who accepts notice on behalf of Respondent.

2. Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed on petitioner by District Musnif cum Judicial Magistrate, Thottiyam, in C.C. No.46 of 2022 dated 26.09.2022, which was modified by III Additional District and Sessions Court, Trichy in Crl.A. No.119 of 2022 dated 09.10.2025.

3. Learned counsel for petitioner would submit that petitioner was convicted by District Munsif cum Judicial Magistrate, Thottiyam, for offences punishable under Section 379 of IPC in C.C.No.46 of 2022, dated 26.09.2022 and sentenced as follows:



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(i) To undergo three years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo nine months Simple imprisonment for offences under section 379 of IPC.

4. Aggrieved, petitioner filed Crl.A.No.119 of 2022, before III Additional District and Sessions Court, Trichy and the lower Appellate Court vide order dated 09.10.2025, partly allowed the appeal and modified the conviction and sentence passed by Trial Court, as follows:

(i) to undergo 1 year Rigorous imprisonment for the offence under section 379 of IPC.

5. Aggrieved, petitioner filed present Criminal Revision Petition in Crl.RC(MD)No.1542 of 2025 before this Court along with instant miscellaneous petition seeking suspension of sentence and bail.

6. Learned Counsel for petitioner made the following submissions:

a) that the Courts below ought to have seen that the alleged owner of the cylinder has categorically admitted that he had no documentary proof, receipt, delivery challan or identification particulars to establish that the cylinder allegedly recovered belonged to him. The cylinder number was not recorded and no steps was taken to establish ownership



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or identity. Prosecution failed to establish that the property allegedly recovered is in fact the stolen property forming the subject matter of the case. In the absence of proving the identity of the property, Courts below erred in convicting the petitioner for the offence of theft;

b) that Courts below have placed reliance on confession statement of petitioner to respondent Police to find the petitioner guilty of the offence of theft contrary to the mandate contained in Section 25 of the Evidence Act;

c) that there was delay in lodging of complaint, which raises suspicion;

d) that the Courts below had found that the offence is a minor offence;

7. Learned counsel would further submit that the petitioner has no bad antecedents; that petitioner has raised substantial grounds in the above revision, which requires consideration; and that he has also paid fine amount as per the order of the trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioner.



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8. Learned Additional Public Prosecutor appearing for respondent opposed the 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.

9. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence, on the following conditions, till the disposal of above Criminal Revision:

i) The 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 District Munsif cum Judicial Magistrate, Thottiyam;

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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ii) The 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) The petitioner shall appear and sign before the District Munsif cum Judicial Magistrate, Thottiyam, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, if the 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.

10. Accordingly, this Criminal Miscellaneous Petition is ordered.

09.12.2025

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Note

Issue Order Copy on 26.12.2025.

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To

1. The District Munsif cum Judicial Magistrate, Thottiyam
2. The III Additional District and Sessions Court, Trichy
3. The Inspector Of Police,
Kattuputhur Police Station
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J

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ORDER
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in
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Date : 09/12/2025
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