



Crl.M.P.No.1143 of 2026
in Crl.RC.No.171 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1143 of 2026

in

Crl.RC.No.171 of 2026

Abudul Rahaman

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
Crime No.42/2018

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 438(1) of BNSS, 2023 praying to suspend sentence imposed in the Criminal Appeal No.76 of 2024 dated 06.12.2025 on the file of the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Tiruppur confirming the judgment in C.C.No.203 of 2019 dated 31.01.2024 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli and enlarge the petitioner on bail pending disposal of the above criminal revision petition.



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For Petitioner : Mr.K.Selvakumar
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 31.01.2024 passed in C.C.No.203 of 2019 by the learned District Munsif cum Judicial Magistrate, Uthukuli and confirmed by the judgment dated 06.12.2025 passed in Criminal Appeal No.76 of 2024 on the file of the learned Special Court for Trial of Cases Registered under SC/ST (POA) Act, Tiruppur pending disposal of the above criminal revision and enlarge the petitioner on bail.

2. The petitioner in C.C.No.203 of 2019 was convicted and sentenced by the Trial Court by the judgment dated 31.01.2024 as tabulated below:

Offences	Punishment
Section 457 r/w.34 IPC	To undergo simple imprisonment of three years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for two months
Section 380 r/w. 34 IPC	To undergo three years simple imprisonment and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment of two months



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Aggrieved by the same, the petitioner had filed a Criminal Appeal in Crl.A.No.76/2024 and the first appellant court dismissed the appeal by confirming the judgment of the trial court. Aggrieved by the dismissal, the petitioner has filed the Criminal Revision Petition in Crl.RC No.171 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner along with three other accused had committed theft of two laptops from the Primary Health Centre in which P.W.1 was working as a Doctor and thus committed the aforesaid offences.

4. Mr.K.Selvakumar, the learned counsel for the petitioner, would submit that no recovery was made from the petitioner; that the petitioner is sought to be prosecuted on the basis of the evidence of P.W.4 and P.W.5 and Ex.P8 the pendrive which contained the CCTV footages in the Primate Health Centre; that however, there are several infirmities in the evidence of both P.W.4 and P.W.5 which has been recorded in the judgment of the trial Court; and that since the petitioner is in custody from 07.01.2026, the suspension of sentence may be ordered.



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5. Heard the learned Government Advocate (Crl.side.)

6. It is seen from the judgment of the trial Court that the trial Court had doubted the version of P.W.5 who had spoken about the CCTV footages. The points raised by the petitioner requires consideration especially since no recovery was made from the petitioner and there are no witnesses to prove the occurrence. The petitioner is in custody from 07.01.2026 and since the revision is not likely to be taken in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) 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 satisfaction of the District Munsif cum Judicial Magistrate, Uthukuli;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court



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may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he 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. 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.

18.02.2026

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To

1. The District Munsif cum Judicial Magistrate, Uthukuli
2. The Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Tiruppur
- 3.The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
- 4.The Superintendent,
Central Prison,
Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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