



WEB COPY



Crl.M.P.No.1402 of 2026
in Crl.RC.No.207 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1402 of 2026 in
Crl.RC.No.207 of 2026

Punithan

... Petitioner

Vs.

The State rep by
Inspector of Police,
K-7, ICF Police Station,
Chennai – 38.

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 528 of BNSS praying to suspend the substantive sentence imposed on the petitioner in C.C.No.2727 of 2021 dated 15.06.2023, on the file of the V Metropolitan Magistrate Court, Egmore at Chennai and by confirming the same in Crl.A.No.399 of 2023, dated 03.12.2025, on the file of the learned XV Additional District and Sessions Judge at Chennai.

For Petitioner : Mr.Adithya Varadarajan

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

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned XV Additional District and Sessions Judge at Chennai,



Crl.M.P.No.1402 of 2026
in Crl.RC.No.207 of 2026

in Crl.A.No.399 of 2023 dated 03.12.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 392 r/w.34 of IPC, 1860, and sentenced him to undergo two years Simple Imprisonment and to pay compensation of Rs.1,000/- and in default to undergo one month simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the prosecution that that the petitioner along with A1 at knife point has intercepted the victim and robbed a mobile phone and a gold chain weighing one sovereign.

3. The learned counsel for the petitioner would submit that the alleged occurrence took place on 16.07.2020; that no identification parade was conducted; that P.W.1 had admitted in his evidence that he had seen the petitioner in the police station; that his identification two years after the occurrence is valueless; that chain was not recovered from the petitioner and only a bike which has not been identified by P.W.1 was recovered from the petitioner.

4. Heard the learned Government Advocate (Crl.Side) appearing for the



Crl.M.P.No.1402 of 2026
in Crl.RC.No.207 of 2026

respondent who would submit that the petitioner had surrendered pursuant to the impugned judgment on 07.02.2026.

5. Considering the fact that there is no recovery of the gold chain from the petitioner; that the identification was done for the first time in Court on 19.07.2022 which is after a lapse of two years from the date of occurrence; that P.W.1 had admitted in his evidence that he had seen the petitioner in the Police Station and having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate Court, Egmore, Chennai;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and



WEB COPY



Crl.M.P.No.1402 of 2026
in Crl.RC.No.207 of 2026

(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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

16.02.2026
2/2

rap



WEB COPY



Crl.M.P.No.1402 of 2026
in Crl.RC.No.207 of 2026

To

- 1.The V Metropolitan Magistrate Court, Egmore, Chennai
- 2.The XV Additional District and Sessions Judge at Chennai
- 3.The Public Prosecutor,
High Court, Madras.
4. The Central Prison, Puzhal.



WEB COPY



Crl.M.P.No.1402 of 2026
in Crl.RC.No.207 of 2026

SUNDER MOHAN, J.

rap

**Crl.M.P.No.1402 of 2026
in
Crl.RC.No.207 of 2026**

**16.02.2026
2/2**