



Crl.O.P.No.4680 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4680 of 2026

G.Sathish Kumar

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
District Crime Branch, ALGSC,
Vellore.
Crime No.28 of 2013.

...Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to direct the learned Principal Sessions Judge, Vellore to set aside the Crl.M.P.No.2883 of 2025 in C.A.No.33 of 2025 dated 26.09.2025.

For Petitioner : Mr.T.Muthukrishnan

For Respondent : Mr.S.Santhosh, GA(Crl. Side)

ORDER

This criminal original petition has been filed by the petitioner/accused seeking to quash the order dated 26.09.2025 passed by the Principal Sessions Judge, Vellore in Crl.M.P.No.2883 of 2025 in C.A.No.33 of 2025.



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2. The brief facts of the case are as follows:

2.1 The conviction and sentence imposed by the trial Court against the petitioner/A1, vide judgment dated 14.08.2025 made in C.C.No.284 of 2015 is as follows:-

<i>Under Section</i>	<i>Sentence</i>
420 of IPC	Six months simple imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
468 of IPC	Six months simple imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
120B of IPC	Two months simple imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.

2.2 Aggrieved by the same, the petitioner preferred an appeal in C.A.No.33 of 2025 along with a petition in Crl.M.P.No.2883 of 2025, seeking suspension of sentence. The Principal Sessions Judge, Vellore, vide order dated 26.09.2025, dismissed the said petition for default. Hence, the petitioner filed another petition seeking suspension of sentence in Crl.M.P.SR.No.6457 of 2025. However, the Appellate Court, vide docket



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order dated 26.11.2025, returned the said petition with the following endorsement:-

*“How this petition maintainable already same prayer
and same petition filed and disposed on 26.09.2025.
Hence returned, retd time 15 days.”*

2.3 Hence, the petitioner has come up with the present petition challenging the dismissal order dated 26.09.2025 made in CrI.M.P.No.2883 of 2025 in C.A.No.33 of 2025 by the learned Principal Sessions Judge, Vellore.

3. Learned counsel for the petitioner submitted that as the learned counsel who appeared on behalf of the petitioner before the trial court met with an accident the previous night, he was unable to appear before the Appellate court on 26.09.2025 and the Appellate Court, without considering the same and without affording another opportunity, dismissed the suspension of sentence petition on the said date. Hence, the petitioner filed another petition seeking suspension of sentence on the same day and the learned counsel had also submitted relevant documents to substantiate his claim and to show that his non-appearance on 26.09.2025 is neither wilful nor wanton. However, the appellate Court, vide docket order dated 26.11.2025 returned the said petition, which is wholly unsustainable. He



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also submitted that there cannot be strict *res judicata* for entertaining a second bail application, that too, when the earlier petition has been dismissed for default. Further, when the learned counsel for the petitioner is able to show sufficient cause for non-appearance, the Appellate Court ought to have numbered the second application seeking suspension of sentence.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner had filed an application seeking suspension of sentence in Crl.M.P.No.2883 of 2025 and since there was no appearance for the petitioner, the said application was dismissed for default.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The petitioner's application for suspension of sentence in Crl.M.P.No.2883 of 2025 was dismissed on 26.09.2025 on account of non-representation. The petitioner has now shown sufficient cause for his counsel's non-appearance before the Court on that day. Since there is no bar for filing a successive bail application as the earlier application has been dismissed for default, instead of setting aside the order dated 26.09.2025, the petitioner is directed to either file a fresh application or re-present the



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petition in Crl.M.P.SR.No.6457 of 2025 within a period of two (2) weeks from the date of receipt of a copy of this order and in such event, the appellate court shall take up the same on file and pass orders in accordance with law within a period of two (2) weeks thereafter, after hearing the parties.

7. With the above directions, this criminal original petition stands allowed.

25.02.2026

skt

Neutral Citation: Yes/No

To:

1. The Principal Sessions Judge,
Vellore.
2. The Judicial Magistrate No.II,
Vellore.
3. The Inspector of Police,
District Crime Branch, ALGSC,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.

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