



Crl.M.P.No.2562 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.2562 of 2026**  
**in Crl.A.No.180 of 2026**

Arshat Ali

... Petitioner /Appellant

Vs.

State represented by,  
Inspector of Police,  
Ammamet Police Station,  
Salem City (Crime No.364/2016)

... Respondent / Respondent

**PRAYER:** Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence imposed on the appellant in S.C.No.201/2017 of the file of the Hon'ble Sessions Judge, Magalir Neethi Mandram, Salem pending disposal of the above Crl.Appeal.

For Petitioner : Mr.S.Jeyakumar

For Respondent : Mr.S.Balaji,  
Government Advocate (Crl. Side)



WEB COPY



Crl.M.P.No.2562 of 2026

## **ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 21.01.2026 passed in S.C.No.201 of 2017 by the learned Sessions Judge, Magalir Neethi Mandram, Salem pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in S.C.No.201 of 2017 was convicted by the Trial Court by judgment dated 21.01.2026 for the offence under Section 498 (A) of IPC and Section 4 of the Dowry Prohibition Act, 1961 and sentenced as below;

| Section                                  | Sentence                                                  |
|------------------------------------------|-----------------------------------------------------------|
| 498 (A) of IPC                           | 3 years RI and to pay a fine of Rs.5000 (id) 2 months SI  |
| Section 4 of Dowry Prohibitoin Act, 1961 | 2 years SI and to pay a fine of Rs.5,000 (id) 2 months SI |

Aggrieved by the same, he filed Crl.A.No.180 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



Crl.M.P.No.2562 of 2026

WEB COPY

3.The case of the prosecution is that the petitioner is the husband of the defacto complainant; that the petitioner had demanded dowry and had caused cruelty in connection with the said demand; and that the petitioner has not taken appropriate care of the victim and had demanded jewels additionally.

4.The learned counsel for petitioner would submit that though the petitioner was prosecuted for the offences under Section 304 (ii) and 498 A IPC, the trial Court found that the offence under Section 304 (ii) of IPC had not been proved; that having acquitted the petitioner of the said offence, the trial Court ought to have acquitted the petitioner of the offence under Section 498 A IPC; and that the sentence imposed on the petitioner was suspended by the trial Court.

5. Considering the nature of allegations and since arguable points have been raised in the appeal, which requires consideration and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



Crl.M.P.No.2562 of 2026

6. 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/-, with two sureties, each for a like sum to the satisfaction of the learned District Sessions Court, Mahila Court, Salem;
- (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
- (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.

**16.02.2026**  
**(2/2)**

Tsg



CrI.M.P.No.2562 of 2026

WEB COPY

To

- 1.The Sessions Judge, Magalir Neethi Mandram,  
Salem.
- 2.The Inspector of Police,  
Ammamet Police Station,  
Salem City.
- 3.The Public Prosecutor,  
High Court, Madras.



WEB COPY



Crl.M.P.No.2562 of 2026

**SUNDER MOHAN, J.**

Tsg

**Crl.M.P.No.2562 of 2026**  
**in Crl.A.No.180 of 2026**

16.02.2026