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Crl.M.P.No.2390 of 2026
in Crl.R.C.No.323 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.2390 of 2026
in
Crl.R.C.No.323 of 2026

Desai, S/o.Kamalanathan

...Petitioner

-VS-

State Represented by
Inspector of Police,
Panamadangi Police Station,
Vellore District.
[In Crime No.7 of 2016].

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) of BNSS, praying to suspend the sentence imposed by the Learned Judicial Magistrate, Katpadi in C.C. No. 2 of 2017 vide judgment dated 08.07.2022 and partly allowed by the learned Sessions Judge, Magalir Neethimanram (FTC) in Crl.A.No. 93 of 2022 vide judgement dated 16.12.2025 and release the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned Sessions Judge, Magalir Neethimanram



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(FTC), Vellore, in Crl.A.No. 93 of 2022 vide judgement dated 16.12.2025, partly confirming the judgment of the learned Judicial Magistrate, Katpadi, in C.C. No. 2 of 2017 vide judgment dated 08.07.2022 convicting the petitioner for the offences under sections 294(b) and 323 IPC and sentenced to undergo simple imprisonment for 3 months for offence under Section 323 IPC and sentenced to pay fine of Rs.10,000/- for offence u/s.294(b) IPC, out of which a sum of Rs.5,000/- to be paid to the Government as fine and rest of Rs.5,000/- as compensation to the victim PW1 Babyammal and in default to undergo simple imprisonment for one week. The Sessions Judge while confirming the conviction for offence u/s.323 IPC has set aside the conviction for offence u/s.294(b) IPC.

2. Aggrieved by the same, the petitioner filed Crl.R.C.No.323 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 had pulled the hair of PW1 and also kicked her and thereby committed the offence.



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4. The learned counsel for the petitioner would submit that the aforesaid occurrence took place on 01.01.2016 and the complaint was lodged on 06.01.2016; that there are several contradictions in the evidence of the witnesses; that and therefore the impugned judgments are liable to be set aside.

5. The learned counsel for the petitioner would further submit that pursuant to the impugned judgment, the petitioner had been taken into custody on 06.02.2026. He was produced before the Magistrate and since he collapsed he was admitted to the hospital and is still in the hospital.

6. Heard the learned Additional Public Prosecutor for the respondent, who confirms the fact that the petitioner is still taking treatment in the hospital.

7. Considering the submissions made by the learned counsel for the petitioner and since there are several arguable points in the aforesaid revision, which require consideration, and since the petitioner is in custody, this Court is inclined to grant the relief of suspension of sentence to the petitioner, and release him on bail.



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8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal revision case 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.25,000/- (Rupees Twenty Five Thousand), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Katpadi;
- (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 revision 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.

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To

- 1.The Sessions Judge, Magalir Neethimanram (FTC), Vellore.
- 2.The Judicial Magistrate, Katpadi.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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