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CRL OP No. 5606 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5606 of 2026

S.Tamilselvi
W/o.Sudhan,
No.263, 1st Street,
Anna Nagar, Paranji Village,
Arakkonam Taluk,Ranipet District.

..Petitioner(s)

Vs

State Rep.by,
The Sub Inspector of Police,
Banavaram Police Station,
Ranipet District.
Cr.No.28 of 2022.

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 of BNSS Act to set aside the order dated 27.01.2026 made in Crl.M.P.No.149 of 2026 in Crl.A.No.2 of 2026 on the file of the learned District and Sessions Judge, Ranipet by allowing the Criminal Original Petition and pass such further other orders.

For Petitioner(s): Mr.G.Somasekar

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

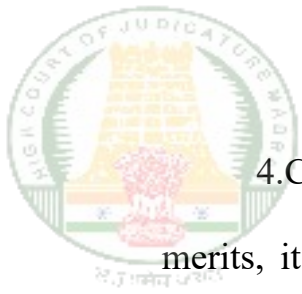
ORDER

The criminal original petition has been filed to set aside the order dated 27.01.2026 made in Crl.M.P.No.149 of 2026 in Crl.A.No.2 of 2026 on the file of the learned District and Sessions Judge, Ranipet.



2.The petitioner/A1 in C.C.No.9 of 2023 was convicted by the trial Court by judgment dated 21.11.2025 for offence under Section 454 IPC and sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a further period of six months and for offence under Section 380 IPC and sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a further period of six months. Aggrieved against the judgment, the petitioner filed an appeal before the Sessions Court in CrI.A.No.2 of 2026, in which, she filed suspension of sentence petition in CrI.M.P.No.149 of 2026. The learned Principal Sessions Judge, Ranipet, by order dated 27.01.2026 dismissed the suspension of sentence petition, against which, the present criminal original petition.

3.The learned counsel for the petitioner submits that at the time of the sentence imposed by the trial Court, the petitioner having nine months old boy baby name Kalainithi and the petitioner was remanded to judicial custody along with her new born baby at Central Women's Prison, Vellore. Now the baby is one year old.



4. Considering the submissions and without going into the nitty gritty on merits, it is seen that though the trial Court convicted the petitioner for two offences and sentenced her to three years in each offence, to run concurrently, the trial Court on the suspension of sentence petition filed by the petitioner in Crl.M.P.No.1675 of 2025 dismissed the same stating that two sentences passed against the petitioner clearly bar the Court from exercising the power conferred under Section 389(3) Cr.P.C., which itself is not proper. The lower appellate Court also not considered the same, but dismissed the petition on the ground that the petitioner has many previous cases, without giving any details.

5. The learned Additional Public Prosecutor today produced a sheet showing that the petitioner is involved in 15 cases of similar nature. Admittedly, except for this case, in all the other cases, the petitioner obtained bail and the cases are pending trial. In this case also, the petitioner was convicted for three years for two counts but the sentences were ordered to run concurrently and not consecutively.

6. In view of the above, this Court is inclined to suspend the sentence imposed on the petitioner and the petitioner is ordered to be enlarged on bail, on condition that she 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 trial Court.



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7. Further, the petitioner shall appear before the respondent police on every Monday and Friday at 11.00 a.m. until the disposal of the criminal appeal except on the days, when she is to appear before the trial Court in other cases.

8. Accordingly, this Criminal Original Petition is disposed of.

05-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

sms

To

1. The District and Sessions Court,
Ranipet.

2. The Sub Inspector of Police,
Banavaram Police Station,
Ranipet District.
Cr.No.28 of 2022.

3. Central Prison for Women,
Vellore, Vellore District.

4. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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