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Crl.M.P.Nos.3530 and 3532 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.3530 and 3532 of 2026

in

Crl.R.C.No.463 of 2026

S.M.Arul Nandi Sivam

...Petitioner in both cases

-VS-

K.C.Soundarapandiyam

...Respondent in both cases

Prayer in Crl.M.P.No.3530 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, praying to suspend the sentence made in Judgment dated 30.01.2026 in Crl.A.No.311 of 2024, on the file of the XX Additional City Civil Court, confirming the conviction and sentence made in the judgment dated 25.03.2024 in C.C.No.1432 of 2015, on the file of learned II Metropolitan Magistrate, Egmore, and pending disposal of the above criminal revision petition.

Prayer in Crl.M.P.No.3532 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, seeking exemption from surrender of the petitioner before the learned XX Additional City Civil Court, Chennai in Crl.A.No.311 of 2024 in judgment dated 30.01.2026 confirming the order passed by the II Metropolitan Magistrate at Egmore made in C.C.No.1432 of 2015, judgment dated 25.03.2024.

In both cases:

For Petitioner : Mr.D.Manimaran



COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 10.12.2025 passed by the XX Additional Sessions City Civil Court, Chennai, in Crl.A.No.311 of 2024, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 500 of IPC, 1860, and sentenced him to undergo one year S.I. and to pay a fine of Rs.2,000/-, i.d. to undergo further S.I. for three months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. The case of the respondent is that he is a Trustee of M/s. Vasudeva Pillai Trust; that he is a respectable citizen; that he is working as a Vice Principal in a leading school; that the petitioner, on account of prior enmity, had sent a letter to the respondent stating that his body movement “shows resemblance of lunacy”; and that he had a lunatic behaviour and thus committed the aforesaid offence.

3. The learned counsel for the petitioner submits that the cross-examination of the witnesses would show that the petitioner had neither intended to defame the respondent nor had knowingly made the observation to defame the respondent; that the respondent himself was an accused in a case under Sections 468 and 420 of IPC, 1860, though it was quashed later by this Court; that there are several points argued in



the above revision; and that if the petitioner is directed to undergo the sentence, irreparable loss and hardship would be caused to him.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. 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 exempt the petitioner from surrendering and grant suspension of sentence 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 II Metropolitan Magistrate, Egmore;

(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 his Aadhar card or Bank pass Book and mobile numbers to ensure his identity; and

(iii) The petitioners 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, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before



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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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6. Accordingly, these Criminal Miscellaneous Petitions are ordered

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To

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- 1.The II Metropolitan Magistrate, Egmore.
- 2.The XX Additional Sessions City Civil Court, Chennai.



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SUNDER MOHAN, J.

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in
Crl.R.C.No.463 of 2026

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