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CRL MP No.4348 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

**CRL MP No.4348 of 2026
in Crl.RC.No.572 of 2026**

Tr.Jafar Ali

... Petitioner(s)

Vs.

State Rep. By
The Inspector of Police,
Kunnathur Police Station
Crime No.42 of 2018

... Respondent(s)

PRAYER

Criminal Miscellaneous Petition has been filed under Section 430 of BNSS, 2023 praying to suspend sentence imposed in the Criminal Appeal No.123 of 2024 on the file of the Learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Tiruppur dated 06.12.2025 confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate, Uthukuli in C.C.No.203 of 2019 dated 31.01.2024 and enlarge the petitioner on bail pending disposal of the criminal revision case.

For Petitioner(s) : Mr.J.Franklin

For Respondent(s) : Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)

**ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Criminal Appeal No.123 of 2024 on the file of the learned Sessions Judge, Special Court for trial of cases under the SC/ST (PoA) Act, Tiruppur, dated 06.12.2025, confirming the conviction and sentence passed by the learned District Munsif-cum-Judicial Magistrate, Uthukuli, in C.C.No.203 of 2019, dated 31.01.2024, and to enlarge the petitioner on bail.

2. The petitioner in C.C.No.203 of 2019 was convicted and sentenced by the Trial Court by judgment dated 31.01.2024, as tabulated below:

Offences	Punishment
Section 457 IPC	To undergo simple imprisonment of three years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for two months
Section 380 IPC	To undergo three years simple imprisonment and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment of two months

Aggrieved by the same, the petitioner filed Criminal Appeal No.123 of 2024 and the First Appellate Court dismissed the appeal by confirming the judgment of the Trial Court. Aggrieved by the dismissal of the appeal, the petitioner has filed the Criminal Revision Petition in Crl.R.C.No.572 of 2026 before this Court



along with the instant Criminal Miscellaneous Petition seeking suspension of sentence and bail.

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3. The case of the prosecution is that the petitioner, along with three other accused, committed theft of two laptops from the Primary Health Centre where P.W.1 was working as a Doctor and thereby committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that no recovery was made from the petitioner and that the prosecution case rests mainly on the evidence of P.W.4 and P.W.5 and Ex.P8, the pen drive containing the CCTV footage from the Primary Health Centre. However, according to the learned counsel, there are several infirmities in the evidence of both P.W.4 and P.W.5, which have also been recorded in the judgment of the Trial Court. Hence, it is submitted that the sentence may be suspended.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. It is seen from the judgment of the Trial Court that the Trial Court had expressed doubts regarding the version of P.W.5, who had spoken about the CCTV footage. The points raised by the petitioner require consideration, especially since no recovery was made from the petitioner and there are no



independent witnesses to prove the occurrence. The petitioner has been in custody since 26.02.2018 and, since the revision is not likely to be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal Revision Petition. 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/- (Rupees Ten Thousand only), with two sureties, each for a like sum, to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Uthukuli;

(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



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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.

06.03.2026

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To

1. The Learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Tiruppur
2. The learned District Munsif cum Judicial Magistrate, Uthukuli.
3. The Superintendent, Central Prison, Coimbatore.
3. The Public Prosecutor, High Court of Madras



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CRL MP No.4348 of 2026



C.KUMARAPPAN,J.

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CRL MP No.4027 of 2026
in Crl.RC.No.529 of 2026

06.03.2026