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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 6085 & 6090 of 2026

IN

CRL RC NO. 768 OF 2026

Muthu @ Chinna Muthu
S/o Gangadharan,
Bajanai Koil Street,
Chinnampettai Colony,
Tiruvalangadu,
Thiruvallur.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
D2, Thiruvalangadu Police Station,
Thiruvallur.
Crime No.175 of 2015.

..Respondent(s)

PRAYER in Crl.M.P.No.6085 of 2026: Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS, to suspend the imprisonment imposed in C.C.No.9 of 2017 on the file of Learned Judicial Magistrate, Tiruttani by Judgment dated 11.07.2022 and confirming the judgment dated 09.02.2026 made in CA.No.86 of 2022 on the file of Ist Additional District and Sessions Judge, Thiruvallur.

PRAYER in Crl.M.P.No.6090 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to exempt the petitioner to surrender before the appellate court on the judgment dated 09.02.2022 made in C.A.No.86 of 2022 on the file of 1st Additional District and Sessions Judge, Thiruvallur by confirming the judgment dated 11.07.2022 made in C.C.No.9 of 2017 on the file of Learned Judicial Magistrate, Tiruttani.



For Petitioner(s):

A.Vijaya Sankar

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering pursuant to the judgment dated 09.02.2026 passed in C.A.No.86 of 2022 on the file of the learned 1st Additional District and Session Judge, Thiruvallur confirming the judgment dated 11.07.2022 passed in C.C.No.9 of 2017 on the file of the learned Judicial Magistrate, Tiruttani, pending disposal of the above criminal revision, and to enlarge the petitioner on bail.

2. The petitioner has been convicted and sentenced by the learned Trial Judge as follows:-

Accused	Conviction under Sections	Sentence awarded
A1	U/s.279 IPC	Three months simple imprisonment and fine of Rs.500/- in default to under go one month Simple Imprisonment.
	U/s. 304(A) IPC	One year simple imprisonment and fine of Rs.1000/- in default to undergo one month simple imprisonment



3. Aggrieved by the same, the petitioner filed a Criminal Appeal in C.A.No.86 of 2022, and the same was dismissed by the learned 1st Additional District and Session Judge, Thiruvallur, confirming the judgment dated 11.07.2022 passed in C.C.No.9 of 2017. Aggrieved by the same, the petitioner has filed criminal miscellaneous petitions seeking suspension of sentence and exemption from surrendering before the Trial Court.

4. The learned counsel for the petitioner submitted that none of the witnesses have supported the prosecution case. However, the conviction has been rendered only based upon the presumption. Hence, he has raised substantial grounds in this revision.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. On perusal of the revision petition, it is seen that the petitioner has raised various grounds challenging the judgment of the Court below, which require detailed examination and consideration.

7. Considering the above aspects, this Court is inclined to suspend the sentence and exempt the petitioner from surrendering before the Trial Court.



8. Accordingly, these Criminal Miscellaneous Petitions stand **allowed**; the sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal revision case. The petitioner shall be released on bail subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruttani;
- (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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(2/2)

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

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To

1. The 1st Additional District and Session Judge,
Thiruvallur.

2. The Judicial Magistrate,
Thiruttani.

3. The Public Prosecutor,
High Court, Madras.

4. The Inspector of Police
D2, Thiruvallangadu Police Station,
Thiruvallur.



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CRL MP Nos. 6085 & 6090 of 2



C.KUMARAPPAN, J.

DRL

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