



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11569 of 2026

Vicky @ Vigneshkumar
S/o.Marimuthu,
3-2, Maniakaran Pillai Street,
Ilanumandhampatti,
Uthamapalayam,
Theni District.

..Petitioner(s)

Vs

State of Tamilnadu, Rep.by
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur.
Cr.No.136/2016.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of BNSS to set aside the order 22.04.2026 passed in CrI.MP.No.3/2026 in C.A.No.57/2026 on the file of the I Additional District and Sessions Judge, Tiruppur and suspend the sentence dated 18.12.2025 imposed on the petitioner in S.C.No.108/2018 on the file of Additional Assistant Sessions Judge (Additional Sub Court), Tiruppur.

For Petitioner(s): Mr.V.M.Venkataramana

For Respondent(s): M/S.R. RAJASEKARAN GA (CRL. SIDE)

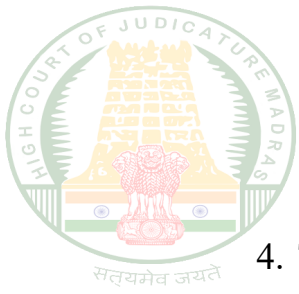


ORDER

The petitioner / A6 who is convicted by the Trial Court in SC.No.108 of 2018 for the offences punishable under Sections 457 and 395 r/w 397 of IPC and he was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- for the offence under Section 457 IPC, in default, to undergo simple imprisonment for three months; sentenced to undergo rigorous imprisonment for seven years for the offence under Section 395 r/w 397 of IPC and the sentence to run concurrently.

2. Against the said conviction and sentence, the petitioner had preferred an appeal before the learned I Additional District and Sessions Judge, Tiruppur, in C.A.No.57 of 2026 and suspension of sentence petition in Crl.M.P.No.3 of 2026. The learned I Additional District and Sessions Judge, Tiruppur, by an order dated 22.04.2026 dismissed Crl.M.P.No.3 of 2026. Challenging the said order, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the co-accused / A5 in S.C.No.108 of 2018 have filed a similar petition before this Court in Crl.O.P.No.14010 of 2026 to set aside the order of dismissal of the suspension petition and this Court vide order dated 22.06.2026 allowed the said petition by setting aside the order of the lower Appellate Court. Hence, he seeks to allow the present petition and to suspend the sentence of the petitioner.



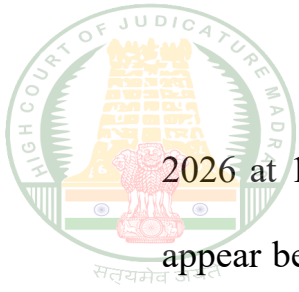
WEB COPY

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent accedes the submission of the learned counsel for the petitioner.

5. Considering the submission of the learned counsel for the petitioner and also considering the fact that the order of dismissal of suspending the sentence of the co-accused / A5 who have committed the similar offences as that of this petitioner, has been set aside by this Court, this Court is inclined to allow this petition in the similar lines as that of the earlier order.

6. In view of the above, this Court is inclined to grant suspension of sentence to this petitioner till the disposal of C.A.No.57 of 2026 on the file of the lower appellate Court. Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner by the trial Court in S.C.No.108 of 2018 is suspended till the disposal of C.A.No.57 of 2026 on the file of the lower appellate Court and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a likesum to the satisfaction of the lower appellate Court.

7. Further, the petitioner shall appear before the lower appellate Court on the first working day of every English calendar month commencing from July,



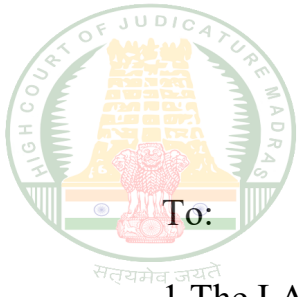
2026 at 10.30 a.m, till the disposal of C.A.No.57 of 2026. If he is not able to appear before the lower appellate Court on that day, he shall make arrangement to file an application under Section 317 Cr.P.C., and shall appear on any other day in lieu of the date of his absence as directed by the lower appellate Court.

8. In the result, this Criminal Original Petition is allowed and the impugned order dated 22.04.2026 in CrI.M.P.No.3 of 2026 in C.A.No.57 of 2026 passed by the learned I Additional District and Sessions Judge, Tiruppur is hereby set aside.

23-06-2026

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

BKN



To:

1. The I Additional District and Sessions Judge,
I Additional District and Sessions Court,
Tiruppur

2. The Additional Assistant Sessions Judge,
(Additional Sub Court),
Tiruppur.

3. The Inspector of Police
Avinashpalayam Police Station, Tiruppur.

4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

CRL OP No. 11569 of 2



M.NIRMAL KUMAR, J.

BKN

CRL OP No. 11569 of 2026

23-06-2026