



WEB COPY

CRL MP No. 8559 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL MP No. 8559 of 2026

IN

CRL RC NO. 1067 OF 2026

Raja S/o. Abimanya,
Attrankarai Street,
Kodaimangalam,
Kuthalam Taluk.

..Petitioner(s)

Vs

State represented by:

The Inspector of Police
Palaiyur, Mayiladuthurai.
[Cr.No.169/2021]

..Respondent(s)

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 430(1) of B.N.S.S. to suspend the sentence imposed on the petitioner by the District and Sessions Judge, Mayiladuthurai in Crl A. No.09 of 2023 dated 01-04-2026 confirming the order of the Judicial Magistrate Court No.2, Mayiladuthurai in C.C. No.10 of 2022 dated 17-07-2023, pending disposal of the above Criminal Revision Petition.

For Petitioner(s):

Mr. R. Shivakumar for
M/s. K.M.Vijayan Associates

For Respondent(s):

Mr. A. Damodaran,
Additional Public Prosecutor.



ORDER

This petition has been filed by the petitioner to suspend the sentence imposed against this petitioner by the District and Sessions Judge, Mayiladuthurai in Crl A. No.09 of 2023 dated 01-04-2026 confirming the order of the Judicial Magistrate Court No.2, Mayiladuthurai in C.C. No.10 of 2022 dated 17-07-2023.

2. The learned counsel appearing for the petitioner would contend that this petitioner was charged for the offences under Sections 294(b), 324, 352 and 506(ii) of IPC and he was acquitted from the charges for the offences under Section 352 and 506(ii) of IPC and he was convicted by the learned Judicial Magistrate No.2, Mayiladuthurai for the offences under Sections 294(b) and 324 of IPC and imposed fine amount of Rs.500/- for the offence under Section 294(b), in default, to undergo simple imprisonment for one month and for the offence under Section 324 of IPC, sentenced to undergo 1 year simple imprisonment and to pay a fine of Rs.500/- in default to undergo 1 month simple imprisonment. The petitioner was granted anticipatory bail. The trial Court failed to consider the material points and there are no any materials available to prove the charges levelled against the petitioner under Sections 294(b) and 324 of IPC. However, the trial Court convicted the petitioner and sentenced imprisonment and hence prayed to suspend the sentence pending disposal of the main criminal revision petition.



3. The learned Government Advocate (Criminal side) appearing for the respondent would contend that based on the evidences only, the trial Court has convicted the accused and there are materials available to convict the accused and the prosecution has proved the charges beyond reasonable doubts and hence objected to suspend the sentence imposed by the trial Court.

4. Heard both sides and perused the materials available on record.

5. The petitioner has been charged for the offences under Sections 294(b), 324, 352 and 506(ii) of IPC in C.C. No.10 of 2022 on the file of the learned Judicial Magistrate Court No.2, Mayiladuthurai and he has been acquitted from the charges for the offences under Sections 352 and 506(ii) of IPC. But he was convicted by the learned Judicial Magistrate No.2, Mayiladuthurai for the offences under Sections 294(b) and 324 of IPC and imposed fine amount of Rs.500/- for the offence under Section 294(b), in default, to undergo simple imprisonment for one month and for the offence under Section 324 of IPC, sentenced to undergo 1 year simple imprisonment and to pay a fine of Rs.500/- in default to undergo 1 month simple imprisonment.

6. Aggrieved by the said conviction and sentence, the petitioner has filed an appeal before the appellate Court and the the learned District and Sessions



Judge, Mayiladuthurai has confirmed the said conviction and punishment vide an order passed in Crl A. No.9 of 2023 dated 01-04-2026 and the fine amount was also paid by the petitioner. Hence, considering the nature of offences and the punishment imposed by the Trial Court and there are arguable points in this case, this Court is inclined to suspend the sentence imposed by the trial Court.

7. Accordingly, this Criminal Miscellaneous Petition is ***allowed*** and the imprisonment ordered by the trial Court through the impugned judgment dated 17-07-2023 is suspended subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 ***Judicial Magistrate Court No.2, Mayiladuthruai*** and on further condition that:

[b] the petitioner shall report before the learned Judicial Magistrate Court No.2, Mayiladuthruai in the first working day of every English Calendar month at 10.30 a.m. until further orders.

13-05-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The District and Sessions Judge, Mayiladuthurai.
2. The Judicial Magistrate Court No.2, Mayiladuthruai.
3. The Inspector of Police, Palaiyur, Mayiladuthruai.
4. The Public Prosecutor, High Court of Madras.



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P.DHANABAL, J.

MJS

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