



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.M.P.Nos.8915 & 8916 of 2026

in

Crl.R.C.No.1121 of 2026

Dinakaran
S/o.Arasappan

... Petitioner

Vs.

State by,
The Sub-Inspector of Police,
Somangalam Police Station,
Somangalam, Kanchipuram District.
(Crime No.233 of 2014)

...Respondent

Prayer in Crl.M.P.No.8915 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed upon the petitioner by the learned Judicial Magistrate, Sriperumbudur, made in C.C.No.36 of 2015 by its judgment dated 19.12.2022 and the same was confirmed by the Principal District and Sessions Court, Kanchipuram, in Crl.A.No.02 of 2023 and enlarge him on bail, till the disposal of the criminal revision case.

Prayer in Crl.M.P.No.8916 of 2026: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioner from surrendering before the trial court against the judgment of the learned Judicial Magistrate, Sriperumbudur in C.C.No.36



of 2015 by its judgment dated 19.12.2022 and the same was confirmed by the Principal District and Sessions Court, Kanchipuram, in Crl.A.No.02 of 2023, till the disposal of the criminal revision case.

For Petitioner : Mr.S.M.Nandhie Devhan

For Respondent : Mr.S.Yogaraja Sekar
Government Advocate (Criminal Side)

COMMON ORDER

Heard Mr.S.M.Nandhie Devhan, learned counsel for the petitioner and Mr.S.Yogaraja Sekar, learned Government Advocate (Criminal Side), for the respondent.

2. The present Criminal Miscellaneous Petitions have been filed seeking suspension of sentence imposed on the petitioner by the learned Judicial Magistrate, Sriperumbudur in C.C.No.36 of 2015 dated 19.12.2022, which was confirmed by the learned Principal District and Sessions Judge, Kanchipuram in Crl.A.No.02 of 2023 dated 25.03.2026 and exemption from surrendering before the Court below.

3. The submissions of the learned counsel for the petitioner are as follows:-



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3.1. The petitioner is an accused in Crime No.233 of 2014 registered on the file of the respondent for the offences under Sections 294(b), 326 and 506(ii) of IPC.

3.2. The learned Judicial Magistrate, Sriperumbudur, found the petitioner guilty for the offence under Section 326 of IPC (2 counts) and consequently, convicted and sentenced him to undergo Rigorous Imprisonment for a period of one year and six months each and to pay a fine of Rs.5,000/- each, in default of payment, to undergo simple imprisonment for a period of six months, vide judgment dated 19.12.2022 in C.C.No.36 of 2015.

3.3. Challenging the same, the petitioner filed the criminal appeal in Crl.A.No.02 of 2023 before the Principal District and Sessions Court, Kanchipuram and the lower Appellate Court, vide judgment dated 25.03.2026, dismissed the appeal confirming the conviction and sentence passed by the trial Court.

3.4. Aggrieved by the same, the petitioner filed the revision before this Court in Crl.R.C.No.1121 of 2026 along with the instant miscellaneous petitions seeking suspension of sentence and exemption from surrender.

3.5. The petitioner has raised substantial grounds in above revision, which requires consideration and that he also paid fine amount



as per the order of trial Court. Hence, the sentence imposed on the petitioner may be suspended and he may be exempted from surrendering before the trial Court.

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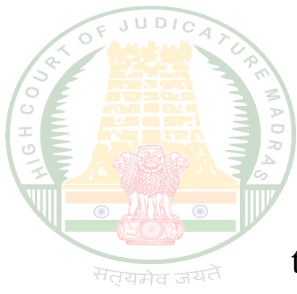
4. Considering the fact that there are arguable points raised in revision and taking into consideration the facts and circumstances of the case and that it is likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:-

(i) The petitioner is directed 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 Judicial Magistrate, Sriperumbudur;

(ii) The petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(iii) The petitioner shall appear and sign before Judicial Magistrate, Sriperumbudur, on the first working day of every English calendar month at 10.30 a.m., until the disposal of revision;

¹. Atul Alias Ashutosh vs. State of Madhya Pradesh, (2024) 3 SCC 663



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(iv) In case, if the petitioner is not able to appear before the trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) 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.

5. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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Note:

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

To:

1. The Judicial Magistrate,
Sriperumbudur.
2. The Principal District and Sessions Judge,
Kanchipuram.
3. The Sub-Inspector of Police,
Somangalam Police Station,
Somangalam, Kanchipuram District.
4. The Public Prosecutor,
High Court of Madras.



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MOHAMMED SHAFFIQ, J.

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