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Crl.M.P.Nos.17072 and 17073 of 2



Crl.RC.No.1676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos.17072 and 17073 of 2025

in

CRL RC No.1676 of 2025

1. Gopi @ Gopinath
S/o.Sundarraaj,
No.10/3, Kumaramthusamy Street,
Ammampettai,
Salem-3.
2. Mani @ Manikandan
S/o.Subramani,
Periya Kinaru Street,
Ammampettai,
Salem,
Now at
Thirunagar Colony.
Moolapattarai,
Karungalpalayam,
Erode.

3. Gokul @ Gokula Krishnan
S/o.Murugesan,



Periya Kinaru Street,
Ammampettai,
Salem,
Now at
Thirunagar Colony,
Moolapattarai,
Karungalpalayam,
Erode.

4. Nagaraj
S/o.Subramaniam,
No.453, Koiyathoppu,
Ammampettai,
Salem.
5. Gowtham @ Ramachandiran
S/o.Madheshwaran,
No.180/11E,
Kumaragiri Malai Adivaram,
Saniyasi Gundu,
Salem - 15.

...Petitioners in both
miscellaneous petitions

Vs

The State rep by
The Inspector of Police



Hosur Town Police Station,
Krishnagiri District.
Crime No.50/2012.

...Respondent in both
miscellaneous petitions

Prayer in Crl.M.P.No.17072 of 2025: This Criminal Miscellaneous petition filed under Section 438(1) of BNSS to suspend the sentence imposed in Crl.A.No.66/2024 dated 17.06.2025 passed by the learned Addl. District and Sessions Judge, Hosur, confirming the conviction of sentence passed by the learned Asst. Sessions Judge, Hosur, in S.C.No.22/2018 dated 30.10.2023, release the petitioners on bail pending disposal of the above revision petition.

Prayer in Crl.M.P.No.17073 of 2025 : This Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioners from surrendering before the trial Court in pursuance of the Judgment in Crl.A.No.66/2024 dated 17.06.2025 passed by the learned Addl. District and Sessions Judge, Hosur, confirming the conviction of sentence passed by the Learned Asst. Sessions Judge, Hosur in S.C.No.22/2018 dated 30.10.2023.

For Petitioners
in both M.Ps :

Mr.A.Balamurugan

For Respondent
in both M.Ps :

Mr.R.Vinoth Raja

Government Advocate(Criminal Side)

**COMMON ORDER**

The petitioners have preferred the above revision challenging the Judgment passed by the learned Additional District and Sessions Judge, Hosur, in Crl.A.No.66 of 2024 dated 17.06.2025, confirming the Judgment of the learned Assistant Session Judge, Hosur, in S.C.No.22 of 2018 dated 30.10.2023, convicting and sentencing the petitioners/A1 to A5 for the following offences:

Rank of the accused	Offence under Section	Sentence imposed
A1 to A5	Section 452 of IPC.	To undergo RI for two years and to pay a fine of Rs.1000/- in default to undergo SI for one month.
	Section 395 of IPC.	To undergo RI for five years and to pay a fine of Rs.2000/- in default to undergo SI for one month.
The sentences were ordered to run concurrently.		

2. Aggrieved by the same, the petitioners/A1 to A5, filed Crl.R.C.No.1676 of 2025 before this Court, and the instant miscellaneous petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above Criminal Revision Case.



3. The case of the prosecution is that the petitioners/A1 to A5, in the guise of delivering a courier, went into the house of the victim/P.W.2 and, under threat of injury with a knife, robbed a gold chain, a gold ring, a gold earring, and parts of a Thali and thus, committed the aforesaid offences.

4. Mr. A. Balamurugan, the learned counsel for the petitioners/A1 to A5, would submit that the case is false; that the case was put up since the police wanted to detain the petitioners/A1 to A5 under TN Act 14 of 1982; that the trial court had not considered the contradictions in the evidence of P.W.1/son of the victim and P.W.2/victim and the several improvements made in their deposition; that the recovery also cannot be believed as no independent witness was examined; and that the petitioners 1 to 3 were in custody for nearly three years and the petitioners 4 and 5 were in custody for one year during investigation and trial and prayed for suspension of sentence and exemption from surrender.

5. Heard the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

6. Considering the fact that there are several contradictions in the evidence of P.W.1 and P.W.2 and other witnesses relied upon by the



prosecution also had made inconsistent statements, this Court is of the view that the petitioners/A1 to A5 had made out a *prima facie* case for suspension of sentence.

7. That apart, considering the period of sentence already undergone by the petitioners pending investigation and trial and since the revision is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

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

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties, each for a like sum to the satisfaction of the learned Assistant Sessions Judge, Hosur;
- (ii) The petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

12-02-2026
(2/3)

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To

1. The Additional District and Sessions Judge,
Hosur
2. The Assistant Session Judge,
Hosur
3. The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
4. The Public Prosecutor
High Court of Madras.



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Crl.RC.No.1676 of 2025
SUNDER MOHAN J.

dk

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CRL RC No.1676 of 2025

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(2/3)