



Crl.M.P.Nos.24566 and 24568 of 2025
in Crl.R.C.No.2839 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24566 and 24568 of 2025

in

Crl.R.C.No.2839 of 2025

Manivannan @ Iyyappan

... Petitioner in both cases

Vs.

The State

Represented by the Inspector of Police,

All Women Police Station,

Puducherry

... Respondent in both cases

PRAYER in Crl.M.P.No.24566 of 2025: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of BNSS, 2023, to suspend the sentence to the petitioner given in Criminal Appeal No.54 of 2023 dated 02.12.2025 on the file of the III Additional District Sessions Judge, Puducherry reversing the order passed in C.C.No.509 of 2021 on the file of the Chief Judicial Magistrate, Puducherry pending disposal of the above Criminal Revision Petition.

PRAYER in Crl.M.P.No.24568 of 2023: Criminal Miscellaneous Petition filed under Section 528 of BNSS, 2023, to exempt the petitioner from surrendering pursuant to the order of conviction in Criminal Appeal No.54 of 2023 dated 02.12.2025 on the file of the III Additional



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District Sessions Judge, Puducherry reversing the order passed in C.C.No.509 of 2021 on the file of the Chief Judicial Magistrate, Puducherry, pending disposal of the above Criminal Revision Petition.

For Petitioner : M/s.Eswar Kumar and Rao
For Respondent : Mr.V.Ramachandra Murthy
Public Prosecutor, Puducherry

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 02.12.2025 passed in Crl.A.No.54 of 2023 by the learned III Additional District Sessions Judge, Puducherry, reversing the judgment dated 10.04.2023 passed in C.C.No.509 of 2021 by the learned Chief Judicial Magistrate, Puducherry, and also to exempt him from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

2. The revision challenges the judgment passed in C.A.No. 54 of 2023, setting aside the judgment of acquittal passed by the trial Court in C.C.No.509 of 2021 and convicting the petitioner for the offence under Section 4 of the Dowry Prohibition Act, 1961 and sentencing him to undergo imprisonment for one year and to pay a fine of Rs.10,000/-, in



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default to undergo simple imprisonment for three months.

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3. The gist of the allegation against the petitioner is that the petitioner is the husband of the de facto complainant; that at the time of marriage, the petitioner demanded Rs.2,00,000/- towards marriage expenses and that the defacto complainant's brother transferred the said amount to the account of the petitioner and paid Rs.50,000/- in cash and that the petitioner also committed cruelty in various ways and thereby committed offence under Section 498-A IPC. The petitioner was tried along with his parents and other relatives before the trial Court. The trial Court in C.C.No.509 of 2021 had acquitted the petitioner and the co-accused of all the charges against them. The State had filed an appeal in Crl.A.No. 54 of 2023 and the defacto complainant had filed an appeal in Crl.A.No.71 of 2023, challenging the judgment of acquittal. By a common order, the appellate Court while upholding the judgment of acquittal as against the co-accused, convicted the petitioner for the offence under Section 4 of the Dowry Prohibition Act and sentenced him as stated above.

4. Aggrieved by the conviction and sentence imposed by the appellate Court, the petitioner/accused has preferred Crl.R.C.No.2839 of



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2025 and pending revision has sought for suspension of sentence and exemption from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

5. The learned counsel for the petitioner would submit that the appellate Court had erroneously reversed the judgment of acquittal though the reasons given by the trial Court for acquittal are plausible; that there is no perversity in the judgment of the trial Court and that the money transferred to the petitioner as gift at the time of marriage cannot be treated as dowry and therefore, the impugned judgment is liable to be set aside and prayed for suspension of sentence.

6. The learned Public Prosecutor appearing for the respondent would submit that the appellate Court had rightly reversed the judgment of the trial Court.

7. The judgement of acquittal of the trial Court has been reversed by the appellate Court. The petitioner has raised substantial grounds in the revision which is not likely to be taken up in the near future. Considering the above facts and on perusal of the record, this Court finds that the petitioner has made out a prima facie case for the suspension of



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sentence. Hence, this Court is inclined to suspend the sentence imposed on the petitioner and exempt him from surrendering before the trial Court.

8. Accordingly, these Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision cases, the sentence imposed upon the petitioner by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:

- (i) The petitioner shall execute a bond each for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Puducherry;
- (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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To

- 1.The III Additional District Sessions Court, Puducherry
- 2.The Chief Judicial Magistrate, Puducherry
3. The Inspector of Police,
All Women Police Station,
Puducherry
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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