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CRL MP(MD) NO.3667 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-02-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) No. 3667 of 2026

in

CRL RC(MD) No.288 of 2026

Pantha @ Sundarraaj

Petitioner(s)

Vs

The Inspector Of Police,
Sattur Town Police Station,
Virudhunagar District.

Respondent(s)

For Petitioner(s):

Mr.M.Sathish Kumar

Prayer:

To suspend the sentence imposed by the Learned Principal and District Sessions Judge, Virudhunagar at Srivilliputhur in Criminal Appeal No.77 of 2018 dated 11.01.2023 confirming the Judgment passed by the Learned Assistant Sessions Court, Sivakasi in S.C.No.197 of 2009 dated 14.06.2018, pending disposal of this Criminal Revision and release the petitioner on bail.



ORDER

WEB COPY Heard Mr.M.Sathish Kumar, learned counsel for petitioner and Mr.P.Kottaichamy, learned Government Advocate for respondent.

2. Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed upon petitioner by Learned Assistant Sessions Court, Sivakasi in S.C.No.197 of 2009 dated 14.06.2018, which was confirmed by Learned Principal and District Sessions Judge, Virudhunagar at Srivilliputhur in CrI.A.No.77 of 2018, dated 11.01.2023.

3. Learned counsel for petitioner would submit that petitioner was convicted by Learned Assistant Sessions Court, Sivakasi for the offences punishable under Sections 452, 307 and 332 of IPC in S.C.No.197 of 2009 dated 14.06.2018 as follows:-

- (i) to undergo two years rigorous imprisonment and to pay fine of Rs.1,000/-, in default to undergo two months simple imprisonment, for offence under Section 452 IPC;
- (ii) to undergo five years rigorous imprisonment and to pay fine of Rs.2000/-, in default to undergo two months simple imprisonment, for offence under Section 307 IPC;



(iii) to undergo two years rigorous imprisonment and to pay fine of Rs.1,000/-, in default to undergo two months simple imprisonment, for offence under Section 332 IPC.

Aggrieved, petitioner filed Criminal Appeal No.77 of 2018, before the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur and the lower Appellate Court vide order dated 11.01.2023, dismissed the appeal confirming the judgment passed by learned Assistant Sessions Court, Sivakasi. Challenging the above conviction and sentence, petitioner has filed Criminal Revision Petition in CrI.RC(MD)No.288 of 2026 before this Court along with the instant miscellaneous petitions seeking suspension of sentence and bail.

4. Learned counsel for petitioner would further submit that petitioner has a good case *inter alia* stating that he has already been in confinement for over two years and eight months which is more than 50% of the sentence.

5. Learned counsel for petitioner further submits that petitioner has raised substantial grounds in above revision, which requires consideration. Hence, he prayed for granting suspension of sentence and bail to petitioner.



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6. Learned Government Advocate (crl.side) for respondent has relied upon the recent judgment of Hon'ble Supreme Court in the case of **Narcotic Control Bureau vs. Lakhwinder Singh**, reported in 2025 SCC Online SC 366, wherein the Hon'ble Supreme Court held as follows:-

“6. In the case of fixed-term sentences, if the Courts start adopting a rigid approach, in a large number of cases, till the appeal reaches the stage of the final hearing, the accused would undergo the entire sentence. This will be a violation of the rights of the accused under Article 21 of the Constitution. Moreover, it will defeat the right of appeal.

7. At this stage, the learned ASG appearing for the petitioner submitted that the power of the court was constrained by Section 37 of the NDPS Act, which is applicable even at the stage of an appeal. He relies upon a decision of this Court in the case of Dadu vs. State of Maharashtra'. There is no dispute about the fact that the Appellate Court is bound by constraints of Section 37 of the NDPS Act while considering the prayer for the grant of bail during the pendency of an appeal. However, if, in the facts of the case, an accused has undergone a substantial part of the substantive sentence and, considering the pendency of criminal appeals, his appeal is not likely to be heard before the accused undergoes the entire sentence, the Appellate Court can exercise the power of releasing the accused on bail pending the appeal. If the relief of bail is denied in such a factual situation only on the grounds of Section 37 of the NDPS Act, it will amount to the violation of the rights of the accused under Article 21 of the Constitution of India.

8. In this case, the appeal preferred by the respondent is not likely to be heard before he undergoes the entire sentence. He has substantial part of his 10-year sentence. already undergone a Therefore, there is no reason to interfere with the impugned order in the facts of the case. The Appeal is, accordingly, dismissed. However, if the respondent misuses the liberty granted to him under the impugned order, the appellant can always apply for cancellation of bail.”



6. Considering the fact that there are arguable points raised in revision and taking into consideration, 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 bail to petitioner, on the following conditions, till the disposal of the above Criminal Revision:

i) Petitioner is directed to be enlarged on bail on his executing 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 II Sattur, Virudhunagar District;

ii) 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) Petitioner shall appear and sign before the learned Judicial Magistrate II Sattur, Virudhunagar District, daily at 10.30 a.m., until further orders;

iv) In case petitioner is not able to appear before the said Court on any 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 said Court on any other day in lieu of the date of his absence, as directed by the said Court.

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



7. Accordingly, this Criminal Miscellaneous Petition is ordered

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To

1.The Fast Track Judicial Magistrate Court, Srivilliputhur

2.The Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur

3. The Judicial Magistrate II Sattur, Virudhunagar District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.