

*CrI.M.P.(MD) No.6867 of 2026 in
CrI.A.(MD) No.1349 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.6867 of 2026
in CrI.A.(MD)No.1349 of 2025

Rajeshkannan @ Kannan

... Petitioner

Vs.

The Inspector of Police,
Odaipatti Police Station,
Theni District.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in S.C.No.16 of 2021, dated 11.07.2023, passed by the learned Mahila Court (Fast Track), Theni, and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.R.Vignesh

For Respondent : Mr.V.Shathurthiraja
Government Advocate (CrI. Side)

ORDER

The petitioner / A1 in S.C.No.16 of 2021, on the file of the learned Sessions Judge, Fast Track Mahila Court, Theni was found guilty by the trial Court and was convicted and sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1	397 IPC	10 years RI	Rs.1,000/-	1 month SI
2	450 IPC	10 years RI	Rs.1,000/-	1 month SI

As against the conviction and sentence imposed by the trial Court in S.C.No.16 of 2021, dated 11.07.2023, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.1349 of 2025 and the same was admitted by this Court on 15.12.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. When this petitioner was taken up for hearing on 30.04.2026, at the request of the learned counsel for the petitioner, the case was adjourned. Even today, the learned counsel appearing for the petitioner seeks adjournment.

3. This Court perused the petition filed by this petitioner. The petitioner has stated that the Trial Court failed to consider that the stolen jewels have not been marked as Materials Objects and CCTV footages, said to have been collected from the ATM centre were also not marked.

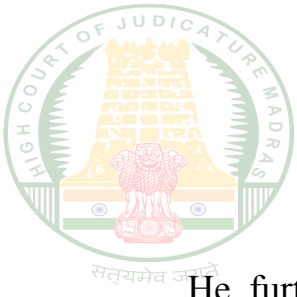


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4. At this juncture, the learned counsel appearing for the petitioner submits that this petitioner is in jail for the past six years. Further, identification parade has not been conducted in this case.

5. The learned counsel for State of TN submits that, on 01.03.2018, this petitioner along with A2 approached the defacto complainant's house at 10.30 am and asked for water, which the defacto complainant refused. Subsequently, at 02.00 p.m., this petitioner and A2 once again asked for water and the husband of the defacto complainant has given the same. Later, on the same day, at about 07.00 p.m., A1 and A2 along with A3 and A4 have approached the defacto complainant's house, attacked the husband of the defacto complainant and snatched 'nuptial chain' from the defacto complainant. The accused have also snatched away the ATM card of the defacto complainant and used the same to withdraw money from the ATM centre. According to him, the jewels were recovered from this petitioner. PW1 and PW2 have cogently stated about the occurrence and have also identified the accused during the course of trial and therefore, prosecution has proved the case beyond reasonable doubt.



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He further submits that the petitioner is a habitual offender having 20 previous cases, out of which, he has been convicted in 13 cases.

6. This Court considered the rival submissions made.

7. Considering the nature of offence and the antecedents as against this petitioner, this Court is not inclined to suspend the sentence. Hence, this Criminal Miscellaneous Petition is dismissed.

8. Since this Court rejected this petition, Registry is directed to prepare the typed set of papers and list the appeal under the caption 'accused in jail cases'.

11.06.2026

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To

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- 1.The learned Sessions Judge,
Fast Track Mahila Court, Theni.
- 2.The Inspector of Police,
Odaipatti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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