

Crl.M.P.(MD)No.12410 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.12410 of 2026

in

CRL RC(MD) No.1037 of 2026

Ashok Kumar

... Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Thondi Police Station,

Ramanathapuram District.

(Crime No.137/2017)

... Respondent

For Petitioner: MrD.Balamurugapandi

For Respondent: Mr.C.Susikumar

Government Advocate(Crl.side)

Prayer in CRL MP(MD).12410 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed punishments to this petitioner vide Judgment, Crl.A.No.31 of 2025 on the file of Learned Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District dated 02.04.2026 by confirming the judgment passed in S.C.No.152 of 2023 by the learned Chief Judicial Magistrate, Ramanathapuram on 09.05.2025 and enlarge the petitioner on bail in the event or arrest pending disposal of the main criminal revision petition.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed punishments to this petitioner vide Judgment, Crl.A.No.31 of 2025 on the file of Learned Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District dated 02.04.2026 by confirming the judgment passed in S.C.No.152 of 2023 by the learned Chief Judicial Magistrate, Ramanathapuram on 09.05.2025 and enlarge the petitioner on bail in the event or arrest pending disposal of the main criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Court on 09.05.2025 in S.C.No.152 of 2023 by the learned Chief Judicial Magistrate, Ramanathapuram and sentenced to undergo rigorous imprisonment for a period of three years for the offence under Section 5(a) of Explosive Substances Act and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for a period of three months.

3. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.31 of 2025 on the file of the learned Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District by



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confirming the conviction and sentence, dismissed the appeal. Aggrieved by the

same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

4. The learned Government Advocate(crl.side) strongly objected for granting suspension of sentence, drawing my attention to the fact that the though the learned counsel for the petitioner insisted that suspension of sentence is automatic, the learned Government Advocate(crl.side) strongly objected to the said submission by pointing out that this is not a criminal appeal, but the petitioners has come before this Court by way of revision challenging the concurrent findings of the trial Court as well as the findings of the appellate Court.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. He further submitted that the petitioner has surrendered before the learned trial Court on 08.06.2026. The fact remains



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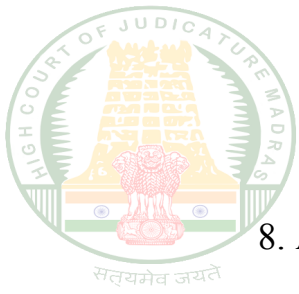
that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the fact that the petitioner has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall execute a bond for a sum of Rs.25,000/ (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Ramanathapuram;

(ii) 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 to ensure their identity; and

(iii) The petitioner shall appear before the learned Chief Judicial Magistrate, Ramanathapuram on all working days at 10.30 a.m., until further orders.



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8. Accordingly, this Miscellaneous Petition is allowed.

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29.06.2026
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Note : Issue order copy on 29.06.2026.

To

- 1.The Principal District and Sessions Judge,
Ramanathapuram, Ramanathapuram District.
- 2.The Chief Judicial Magistrate, Ramanathapuram.
- 3.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 4.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 5.The Superintendent,
Madurai Central Prison,
Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.