



CRL MP(MD). No.886 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **12/01/2026**

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). No.886 of 2026

in

CRL RC(MD)No.65 of 2026

S.Sathishkumar

S/o.Subramani

... Petitioner

Vs

State Of Tamilnadu Rep by

The Inspector Of Police,

Andipatti Police Station

Theni District.

(Cr. No.62/2013)

... Respondent

PRAYER in Crl.M.P.(MD).No.886 of 2026 :-

To suspend the sentence made in Judgment dated 20.02.2025 made in CC No.120/2013 on the file of the Judicial Magistrate Court, Andipatty which was modified by partly allowing the appeal by the Judgment dated 07.10.2025 made in Crl.Appeal No.30/2025 on the file of the Principal Sessions Court, Theni.

For Petitioner : Mr.K.Gokul

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.Side)



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ORDER

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Heard Mr.Gokul, learned Counsel for petitioner and Mr.M.Karuanithi, learned Government Advocate (Crl.Side), who accepts notice on behalf of Respondent.

2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioner by Judicial Magistrate Court, Andipatti, in C.C. No.120 of 2013 dated 20.02.2025, which was modified by Principal Sessions Court, Theni in Crl.A.No.30 of 2025 dated 07.10.2025.

3. Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate Court, Andipatti, for offences punishable under Sections 294(b), 323, 506(ii) of IPC & Section 4 of TNPHW Act in C.C.No.120 of 2013, dated 20.02.2025 and sentenced as follows:

(i) to undergo one year Simple Imprisonment and to pay fine of Rs.10,000/-, in default to undergo further period of six months simple imprisonment, for offences under section 4 of TNPHW Act.



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4. Aggrieved, petitioner filed Crl.A.No.30 of 2025, before Principal Sessions Court, Theni and the lower Appellate Court vide order dated 07.10.2025 dispose of the appeal. The relevant portion of the said order is extracted as such :

"i) In the result, the Criminal appeal is partly allowed.

ii) The conviction passed by the learned Judicial Magistrate, Aundipatti in C.C.No.120 of 2013, dated 20.02.2025 is confirmed. With respect to the sentence imposed by the trial Court is modified and reduced to three months simple imprisonment and the fine already imposed Rs.10,000/- is confirmed.

iii) The appellant is directed to surrender before the trial Court within 15 days and he shall be committed to prison in order to undergo the period of sentence imposed. If the accused person failed to surrender within 15 days, the trial Court shall issue Non-Bailable Warrant and to secure him in order to commit him to prison in order to undergo the remaining period of sentence. The jurisdiction police also to take steps to secure the accused persons to undergo the remaining period of sentence."



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5. Aggrieved, petitioner filed present Criminal Revision Petition in Crl.RC(MD)No.65 of 2026 before this Court along with instant miscellaneous petitions seeking suspension of sentence and bail.

6. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that he has also paid fine amount as per the order of the trial Court. He further submitted that there are discrepancies between the deposition of the complainant and her statement recorded under Section 161(3) of the Cr.P.C. He further submitted that the petitioner was arrested this morning, i.e., on 12.01.2026, and he is presently in judicial custody. Hence, he prayed for granting suspension of sentence and bail to petitioner.

7. Learned Additional Public Prosecutor appearing for respondent opposed the submissions of learned counsel for petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioners at this stage be refused by this Court.



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8. 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 also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence, bail to the petitioner, on the following conditions, till the disposal of 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 Judicial Magistrate Court, Andipatti.

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 Judicial Magistrate Court, Andipatti, on the first working day of every month at 10.30 a.m., until the disposal of revision;

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



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iv) In case, petitioner 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. (corresponding to 355 B.N.S.S) 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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

12.01.2026

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Note :

Issue order copy on 12.01.2026



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1. The Principal Sessions Court,
Theni.
2. The Judicial Magistrate Court, Andipatti.
3. The Sub-Inspector of Police,
Andipatti Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J

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ORDER
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in
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Date : 12/01/2026
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