



Crl.M.P.(MD)No.19912 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

Crl.M.P(MD)No.19912 of 2025

in

Crl.A(MD)No.842 of 2023

Karthick

: Petitioner/Appellant No.2

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Elathur Police Station,
Tenkasi District.
Crime No.130 of 2015.

: Respondent /Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed in S.C.No.648 of 2017 on the file of learned Additional District and Sessions Court (FTC), Tenkasi, dated 07.08.2023 and enlarge the petitioner/appellant No.2 on bail pending disposal of the above appeal.

For Petitioner : Mr.A.Arputharaj

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl. Side)



Crl.M.P.(MD)No.19912 of 2025

WEB COPY

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in S.C.No.648 of 2017 on the file of learned Additional District and Sessions Court (FTC), Tenkasi, dated 07.08.2023 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution in brief is as follows:

On 03.06.2015 at about 10:30 p.m., when the defacto complainant was closing his shop, the accused persons came there and asked for cool drinks, beedis, and matchbox on credit. Since he refused to supply the articles on credit, the accused persons abused him in filthy language and threatened that he would not continue to reside in the locality. Thereafter the complainant closed the shop and moved to a short distance, whereupon the accused persons set fire to the roof of his shop. On noticing the fire, the complainant raised alarm. On hearing his cries, one Krishnan (P.W.2) and Murugesan came there and assisted in extinguishing the fire, while the accused fled from the scene. As a result of the incident, soda bottles and a tray were damaged and the thatched roof of the shop was completely burnt, causing loss assessed at Rs.2,000/-. FIR came to be registered in Crime No.



Crl.M.P.(MD)No.19912 of 2025

130 of 2015 for the offences under Sections 294(b), 506(1) IPC and Section 4 of TNPPDL Act, on the basis of the defacto complainant's complaint.

3. After completion of investigation, the charge sheet was filed and the same was taken on file in PRC.No.11 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Sengottai. After complying with the necessary mandatory requirements, the case was committed to the Court of the Sessions and the case was taken on file in S.C.No.648 of 2017, on the file of the Principal District and Sessions Court, Tirunelveli and later, it was made over to the I Additional District and Sessions Court (FTC) Tenkasi.

4. During trial, the prosecution examined 7 witnesses as P.W.1 to P.W.7 and exhibited 8 documents as Ex.P.1 to Ex.P.8 and four material objects were marked as M.O.1 to M.O.4. Whereas, the defence had adduced neither oral nor documentary evidence.

5. The learned Sessions Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both sides, passed the impugned judgment dated 07.08.2023 convicting and sentencing the



Crl.M.P.(MD)No.19912 of 2025

petitioner to undergo one month imprisonment with a fine of Rs.1,000/- in default, to undergo one month simple imprisonment for the offence under Section 294(b) IPC; to undergo two months simple imprisonment with a fine of Rs.1,000/- in default, to undergo one month simple imprisonment for the offence under Section 506(i) IPC; and to undergo one year rigorous imprisonment with a fine of Rs.1,000/- in default, to undergo six months simple imprisonment for the offence under Section 4 of TNPPDL Act.

6. Aggrieved by the conviction and sentence, the petitioner preferred the appeal along with the petition for suspension of sentence.

7. The learned counsel for the petitioner submitted that this is the second application for suspension of sentence and that earlier application was dismissed on 21.03.2025. The learned counsel submitted that co-accused (A1 and A3) were granted suspension of sentence by this Court in Crl.M.P. (MD)No.14002 of 2025 in Crl.A(MD)No.842 of 2025 vide order dated 31.10.2025. The learned counsel submitted that the petitioner will abide by all the conditions imposed by this Court. The learned counsel submitted that the fine imposed by the trial court was also paid.



Crl.M.P.(MD)No.19912 of 2025

WEB COPY

8. The learned Government Advocate (Crl.side) submitted that this is the second application filed by the petitioner for suspension of sentence. He further submitted that the petitioner has no previous case. The learned Government Advocate conceded that the co-accused were granted suspension of sentence by this Court on conditions.

9. Heard both sides and perused the materials available on record.

10. The submission of the learned Government Advocate (Crl.side) that the petitioner has no previous cases and that the co-accused have been granted suspension of sentence by this Court is considered. Further, the appeal is not likely to be heard in the near future and hence, this Court is inclined to grant suspension of sentence and enlarge the petitioner on bail on conditions.

11. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following conditions:



Crl.M.P.(MD)No.19912 of 2025

(i) the petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge (FTC), Tenkasi ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court in alternative weeks ie., on the first and third Monday of every Month at 10.30 a.m., until further orders 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 of Cr.P.C (355 of BNSS) 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.

18.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



Crl.M.P.(MD)No.19912 of 2025

To,
WEB COPY

- 1.The Additional District and Sessions Judge (FTC),
Tenkasi.
- 2.The Inspector of Police,
Elathur Police Station,
Tenkasi District.
- 3.The Superintendent of Police,
Central Prison, Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.M.P.(MD)No.19912 of 2025

N.MALA, J.

CM

Order made in

Crl.M.P(MD)No.19912 of 2025
in
Crl.A(MD)No.842 of 2023

Dated: 18.02.2026