



Crl.M.P.(MD) No.19558 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CRL.MP(MD) No.19558 of 2025
in
Crl.A(MD)No.1330 of 2025**

Chinnasamy

.....

Petitioner

Vs.

State rep. by
The Inspector of Police
Devakottai Taluk Police Station,
Sivagangai District.
In Crime No.326 of 2010.

..... Respondent

Prayer : Petition filed under Section 430(i) of BNSS to suspend the sentence in S.C.No.40 of 2011, dated 28.08.2025, on the file of the Mahila Fast Track Court, Sivagangai, pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

Seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Mahila Fast Track Court, Sivagangai, *vide* Judgment dated 28.08.2025 in S.C.No.40 of 2011, he has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amoun
396 of IPC	Life Imprisonment	Rs.1,000/- i/d to undergo three months Rigorous Imprisonment
302 r/w 149 IPC	Life Imprisonment	Rs.1,000/- i/d to undergo three months Rigorous Imprisonment

3. Heard the learned counsel on either side and perused the materials available on record.



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4. There are totally seven accused in this case. The petitioner is the seventh accused. Even according to the prosecution, the finger prints are matching only with A2 and A3 and recovery also made from A1 to A3. On the basis of the co-accused's confession statement the petitioner has been implicated as an accused. As far as the petitioner is concerned there is no finger print found in the scene of occurrence and also the confession statement of the co-accused did not lead to any recovery from this petitioner. The trial Court convicted the appellant only on the basis of the co-accused's confession statement. In view of the above and also considering the period of incarceration suffered by the petitioner and that there are several arguable points and further the appeal is of year 2025 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

5. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:



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i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Fast Track Court, Sivagangai.

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 passbook to ensure their identity.

iii. The petitioner shall appear and sign before the trial Court on the first working day of every English calender month at 10.30 a.m., till the disposal of the Criminal Appeal.

[G.K.I., J.] & [R.P., J.]
04.02.2026

NCC : Yes / No
Index : Yes / No
TM



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



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G.K.ILANTHIRAIYAN, J.
AND
R.POORNIMA, J.

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