



CRL MP(MD). No.19875/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.19875/2025
in
CRL A(MD)No.693/2025

M.Solai

... Petitioner

Vs

State represented by
The Inspector of Police,
Madurai NIBCID Police Station
Madurai.
Crime No.32/2021.

... Respondent

PRAYER :- Petition filed u/s.389[1] of Cr.P.C., read with 430 of BNSS, seeking to suspend the sentence imposed on the petitioner in the order in CC.No.304/2022 dated 28.02.2025, by the learned Principal Special Judge for EC and NDPS Act Cases, Madurai.

For Petitioner : Mr.G.Prabhakaran

For Respondent : Mr.B.Nambi Selvan, APP



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ORDER

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This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Principal Sessions Judge for EC and NDPS Act Cases, Madurai, in CC.No.304/2022 dated 28.02.2025.

2.It is seen that the petitioner had filed an application in Crl.MP. (MD).No.7956/2025, seeking suspension of sentence. This Court, by order dated 19.09.2025, dismissed the said application on merits.

3.The learned counsel for the petitioner submitted that the petitioner challenges the legality of the conviction, and the point now raised, was never raised in the earlier application seeking suspension of sentence. Further, the learned counsel submitted that the petitioner was not at all present in the scene of occurrence and that he was not the pillion-rider in the two-wheeler at the relevant time.

4.However, a perusal of the earlier dismissal order dated 19.09.2025, would reveal that the learned counsel for the petitioner admitted that the petitioner travelled as a pillion-rider in the two wheeler.



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The statement that the prosecution falsely implicated the petitioner who was riding pillion in the two-wheeler is a tacit admission of the fact that the petitioner was a pillion rider in the two wheeler.

5.The petitioner has now filed the second application for the very same relief. It is seen that there is no new development or change in circumstances necessitating this second application for suspension of sentence. The points urged by the petitioner now, were already considered by the Trial Court and in the absence of any new ground of substantial importance and relevance, this Court is not inclined to entertain this application.

6.The Hon'ble Supreme Court, in the case of ***State of Maharashtra Vs. Buddhikota Subha Rao*** reported in ***AIR 1989 SC 2292***, laid down the criteria for considering subsequent bail application, which in my view, also applies to subsequent applications for suspension of sentence. The Apex Court laid down as follows:-

"10....Once that application is rejected, there is no question of granting a similar prayer. That is virtually overruling the earlier decision without



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there being a change in the fact-situation. And, when we speak of earlier decision and not merely cosmetic changes which are of little or no consequence."

7.On the facts of this case, this Court finds no substantive change in circumstances, justifying the entertainment of this application. This Court is of the view that entertaining the present application, without a change in the circumstance, will amount to reviewing the earlier order, which is not permissible.

8.Hence, this Criminal Miscellaneous Petition is **dismissed**.

11.02.2026

AP

TO

- 1.The Inspector of Police,
Madurai NIBCID Police Station
Madurai.
- 2.The Sessions Judge
Principal Special Court for EC&NDPS Act Cases
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.MALA,J

AP

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