

K.Moorthy Vs The State rep.by,

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Court : Chennai

Decided On : Mar-23-2026

Judge : Honourable Mr.Justice C.Kumarappan

Appeal No. : CRL MP/5136/2026

Appellant : K.Moorthy

Respondent : The State rep.by,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN CRL MP Nos. 5136 & 5137 of 2026 IN CRL RC NO. 675 OF 2026 1.K.Moorthy 2.K.Kathirvel 3.Gandhimathi ..Petitioner(s) Vs The State rep by The Inspector of Police, Kundadam Police Station, Tiruppur District. Crime No.17 of 2004. ..Respondent(s)

PRAYER in CrI.M.P.No.5136 of 2026: Criminal Miscellaneous Petition filed under Section 397 (1) of Cr.P.C.,, to suspend the sentence of

imprisonment imposed in the judgment dated 18.02.2026 made in C.A. No.45 of 2015 on the file of the learned III Additional District and Sessions Court, Tiruppur confirming the judgment dated 17.03.2015 made in C.C. No.100 of 2004 on the file of the learned Judicial Magistrate, Dharapuram and enlarge the petitioners on bail pending disposal of the above Criminal Revision Petition.

PRAYER in CrI.M.P.No.5137 of 2026: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C to grant an order of exemption to the petitioners from surrendering before the trial Court pursuant to the judgment dated 18.02.2026 made in C.A.No.45 of 2015 on the file of the learned III Additional District and Sessions Court, Tiruppur confirming the judgment dated

Page1 of 7 17.03.2015 made in C.C. No.100 of 2004 on the file of the learned Judicial Magistrate, Dharapuram. For Petitioner : Mr.N.Manoharan For Respondent : Ms.S.Pavithra for Mr.C.Prakasam

ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering pursuant to the judgment dated 18.02.2026 passed in C.A.No.45 of 2015 on the file of the learned III Additional District and Sessions Court, Tiruppur confirming the judgment dated 17.03.2015 passed in C.C.No.100 of 2004 on the file of the learned Judicial Magistrate, Dharapuram, pending disposal of the above criminal revision, and to enlarge the petitioner on bail.

2. The petitioner has been convicted and sentenced by the learned Trial Judge as follows:- Page2 of 7

Accused Conviction under Sections Sentence awarded One year rigorous A1 U/s.324 IPC imprisonment and fine of Rs.1000/- in default to under go one month Simple Imprisonment. Fine of Rs.500/- in default to undergo one week simple imprisonment U/s. 341 IPC Two years rigorous A2 U/s.326 IPC imprisonment and

fine of Rs.2000/- in default to under go one month Simple Imprisonment. Fine of Rs.500/- in U/s. 341 IPC default to undergo one week simple imprisonment. One year simple A4 U/s.325 IPC imprisonment and fine of Rs.2000/- in default to under go one month Simple Imprisonment. Fine of Rs.500/- in U/s. 341 IPC default to undergo one week simple imprisonment. Page3 of 7

3. Aggrieved by the same, the petitioner filed a Criminal Appeal in

C.A.No.45 of 2015, and the same was dismissed by the learned Additional District and Sessions Court, Tiruppur confirming the judgment dated 17.03.2015 passed in C.C.No.100 of 2004. Aggrieved by the same, the petitioner has filed criminal miscellaneous petitions seeking suspension of sentence and exemption from surrendering before the Trial Court.

4. The learned counsel for the petitioner submitted that the occurrence

took place in the year 2004 and nearly 22 years have lapsed. He further submitted that there is also a delay in the registration of the FIR and that the Trial Court has not gone into the veracity of the witnesses. Hence, he raised substantial grounds in this revision.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. On perusal of the revision petition, it is seen that the petitioner has raised various grounds challenging the judgment of the Court below, which require detailed examination and consideration.

7. Considering the above aspects, this Court is inclined to suspend the sentence and exempt the petitioner from surrendering before the Trial Court. Page4 of 7

8. Accordingly, these Criminal Miscellaneous Petitions stand allowed;

the sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal revision case. The petitioner shall be released on bail subject to the following conditions: (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 Judicial Magistrate, Dharapuram; (ii)The petitioner and 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 and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision 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 Cr.P.C. 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.

23-03-2026 (2/2) Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No DRL Page5 of 7 To

1. The Additional District and Sessions Court, Tiruppur.
2. The Judicial Magistrate, Dharapuram.
3. The Inspector of Police, Kundadam Police Station, Tiruppur District. 4.The Public Prosecutor, High Court, Madras. Page6 of 7

C.KUMARAPPAN, J.

DRL CRL MP Nos. 5136 & 5137 of 2026 IN CRL RC NO. 675 OF 2026 23-03-2026 Page7 of 7

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