

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

**Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc., PGDDF,
Principal Sessions Judge.**

Thursday, the 5th day of March, 2026.

Crl.M.P.No.1/2026

in

C.A.No.329/2026

against

Crl.M.P.No.5076/2022

in

D.V.C.No.42/2017

(on the file of the XVI Metropolitan Magistrate, George Town, Chennai)

J. Sundar

S/o. M. Jayapalan (Late)

...Petitioner/Appellant/Respondent

Vs.

Revathi

W/o. J. Sundar

...Respondent/Respondent/Petitioner

This petition is coming on this day before this court for hearing in the presence of M/s. P. Sarvalogasundari, the counsel for the petitioner and of M/s. D. Dhanasekaran, the counsel for the respondent and upon hearing both sides and upon perusal of case-records and having stood over till this day, this Court delivered the following:

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. According to the petitioner, the respondent has filed a petition in Crl.M.P.No.5076/2022 under Section 31(1) & (2) of the Protection of Women from Domestic Violence Act, 2005 alleging non-compliance of the protection/maintenance order passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in D.V.C.No.42/2017. Against the said order the petitioner has filed an appeal before this court. Due to financial hardship and unavoidable circumstances, the petitioner could not able to comply the order passed by the trial court. In the meantime, the trial court convicted the accused and sentenced to undergo 6 months simple imprisonment and issued conviction warrant against him. Now, the petitioner is in judicial custody.

He further submitted that the petitioner has paid a sum of Rs.5,00,000/- to the respondent towards the arrears of maintenance. Hence, he seeks for suspension of sentence.

3. The petitioner has made out an arguable case in the appeal. Considering the fact that the petitioner was convicted by the trial court for non payment of maintenance order as per the order passed by the trial court and also the fact that now that the petitioner has paid a sum of Rs.5,00,000/- to the respondent, this court is inclined to suspend the sentence.

4. Accordingly bail is granted, the sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned XVI Metropolitan Magistrate, George Town, Chennai.

Dictated to Steno-typist, typed by him directly, corrected and pronounced by me in open court this the 5th day of March, 2026.

Principal Sessions Judge.

Copy to

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Superintendent of Police, Central Prison, Puzhal, Chennai.