

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ERODE**

Present : Tmt. S. Sameena, B.A., L.L.B.,
Principal Sessions Judge, Erode

Tuesday, the 04th day of November, 2025

MP No.2/2025
in
CA No.282/2025

Karthi (32),
S/o.Thangaraj,
Panjadhangi Erikkarai,
Samayapuram Kovil Back Side,
Indhira Nagar, Gugai,
Salem District.

...Petitioner/Appellant/A2

Vs

State by Inspector of Police,
South Police Station, Erode.
(Cr.No.95/2017).

...Respondent/Respondent/Complainant

Petition dt: 29.10.2025 filed u/s 430(1) of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate No.III, Erode has convicted the accused in C.C.No.147/2017, dt:25.10.2025.

This petition is coming on this day for hearing before me in the presence of the Thiru.M.Dhanraj, Advocate for the petitioner/appellant/A2 and Thiru.M.Arutchelvan, the Public Prosecutor for the respondent, on hearing both side this court delivered the following.

ORDER

The learned Judicial Magistrate No.III, Erode has passed Judgment in C.C.No.147/2017 on 25.10.2025 by convicting the Petitioner/Appellant/A2 and sentenced him to undergo Rigorous Imprisonment for the period of three years and to pay a fine of Rs.1000/- in default to undergo Simple Imprisonment for one month for the offence u/S 392 IPC. Further, the trial court ordered that, the period already in prison, is directed to set off under S.428 CrPC.

The learned counsel for the petitioner/appellant/A2 has submitted that, the sentence imposed against the petitioner is very high and petitioner is having good chances to succeed the appeal. Petitioner is on bail during the trial of the case. Fine amount paid before the Trial court. Further, petitioner has filed appeal on various grounds and it may be treated as part and parcel of this petition. Trial court has suspended the sentence till 24.11.2025. Prayed to suspend the sentence imposed against the petitioner till the disposal of the appeal.

The learned Public Prosecutor submitted that sentence imposed on the petitioner is proper.

After taking into consideration of the arguments of both sides and also on perusal of records it is found that Petitioner/Appellant/A2 was convicted for the offence U/s. 392 IPC. Further as per petitioner, he is having arguable points regarding the punishment imposed against the Petitioner/Appellant/A2. On perusal of records, it is seen that, the petitioner has filed the appeal on various grounds. The learned Public Prosecutor has not raised any serious objections. Considering all the above aspects and the facts and circumstances of the case, this Court is inclined to allow this petition.

In the result, the substantive sentence of imprisonment imposed on the Petitioner/Appellant/A2 alone is suspended till the disposal of the appeal and the petitioner shall be released on bail on condition that the Petitioner/Appellant/A2 shall execute a bond for Rs.10,000/- with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate No.III, Erode.

Pronounced by me in open court, this the 04th day of November, 2025.

Principal Sessions Judge
Erode

Copy to

1. Judicial Magistrate No.III, Erode
2. Thiru.M.Dhanraj, Advocate, Erode
3. The Public Prosecutor, Principal Sessions Court, Erode