

TNMD010017022026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 7th day of March, 2026.

CrI.M.P.No.1045/2026 in CRLA No.34/2026

CNR No.TNMD010017022026

Dhanasekaran, S/o.Chandramohan

... Appellant/Accused.

Vs

State through the Inspector of Police,

Vilakuthoon P.S. in Cr.No.223 /2018

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.S.Mohankumar, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

Order

Petition u/s 430(3) of BNSS praying to suspend the execution of sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Madurai in CC.No.534/2019 dated 17.02.2026 and to release the petitioner/appellant on bail till the disposal of the appeal.

2. Heard. The learned counsel for the petitioner would submit that the trial court has convicted the petitioner/appellant u/s. 353 of IPC and imposed fine of Rs.10,000/- I/d. S.I. for one month. The petitioner has not paid the fine amount and preferred the appeal against the conviction. The learned counsel further submitted that the petitioner was on bail during trial and the trial court has suspended the sentence for one month from the date of judgment and directed the petitioner to prefer an appeal within the time. Hence prayed for suspension of sentence and bail.

3. Records perused. The trial court has convicted the petitioner for the offence stated above. The petitioner has not paid the fine amount and preferred the

appeal against the conviction. The learned counsel for the petitioner advanced argument that while suspending the sentence, the accused may not be directed to deposit the fine amount. In support of his argument, he relied upon the Judgment of Hon'ble Supreme Court of India reported in 2024 Supreme(SC) 974 (Crl. Appeal No.4277 of 2024 dated 24.10.2024) , in which it is observed that “ *the approach of the Court may be different in case of offences punishable under the IPC and cognate legislations. Whenever a prayer is for suspension of the sentence of fine, the Appellate Court must consider whether the sentence of fine can be suspended unconditionally or subject to conditions. However, the Court has to keep in mind that if a condition of the deposit of an amount is imposed while suspending the sentence of fine, the same should not be such that it is impossible for the appellant to comply with it. Such a condition may amount to defeating his right of appeal against the order of conviction, which may also violate his rights under Article 21 of the Constitution.*”

4. On perusal of the above citation, the accused was sentenced to imprisonment for 7 years as well as directed to pay fine amount Rs.95 Lacs. The accused deposited Rs.15 lacs as part of the fine amount. The Hon'ble Supreme Court of India held that Rs.15 lacs deposited by the accused treated as a condition for suspending the sentence of fine. The trial court has suspended the sentence for one month from the date of judgment. Evidence has to be appreciated for adjudication in the appeal. Considering the facts and circumstances of the case, the Judgment relied upon by the petitioner, this Court inclined to suspend the sentence and enlarge the petitioner on bail and the sentence of imprisonment imposed by the learned Judicial Magistrate, Additional Mahila Court, Madurai in CC.No.534/2019 dated 17.02.2026 is suspended till the disposal of the appeal in C.A.No34/2026 on the following condition:-

1. The petitioner should execute a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Madurai.

2. The petitioner/accused should appear before the IV Additional District and Sessions Judge, Madurai on 07.04.2026.

Pronounced by me in the Open Court on the 7th day of March, 2026.

Principal Sessions Judge,
Madurai

Copy to

1. The IV Additional District and Sessions Judge, Madurai
2. The Judicial Magistrate, Additional Mahila Court, Madurai.
3. The Inspector of Police, Vilakuthoon P.S.
4. The Petitioner through his counsel.