

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI
PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,
Principal Sessions Judge, Pudukkottai.
Monday the 17th day of Nobember, 2025

Minscellaneous Petition No:1/2025 in CA.No.66/2025

1. Bala @ Balakrishnan, S/o. Thiyagarajan.
2. Alagu@ Arumugam, S/o. Palani.Petitioners/Accused

/Versus/

State of Tamil Nadu represented by Inspector of Police
Thirumayam Police Station,
Cr.No.141/2006. ... Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru.Solai. Muthaiah, Learned Advocate appearing for the Petitioners and the Learned Public Prosecutor Thiru.B.Venkatesan, on behalf of the Complainant and this Court passed the following,

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners/3rd and 4th accused u/s 430(1) of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023, praying to suspend the sentence imposed on them by the District Munsif cum Judicial Magistrate, Thirumayam in C.C.No.140/2008 dated 29.08.2025 till the disposal of the main appeal.

Heard both sides. Perused the records.

The Learned Counsel appearing for the petitioners submits that the petitioners have not paid the fine amount and they were on bail during the time of trial and on the date of judgment the accused were absent and NBW was issued by the trial court and the petitioners are in custody and further submits that the petitioners have got a good arguable case in the appeal and they are ready to pay the fine amount and prays for suspension of sentence imposed on him by the lower court till the disposal of the appeal.

The Learned Public Prosecutor submits as to leave it to discretion of the court.

On perusal of the judgment of the trial court, it reveals that the petitioners are convicted and sentenced to undergo sentence as follows:-

<u>Section of Law</u>	<u>Sentence</u>	<u>Fine</u>	<u>Default Sentence</u>
394(b) r/w. 34 of IPC	R.I. for three years each	Rs.5,000/-each	S.I for nine months each

It is further revealed from the judgment that the sentences are ordered to run separately , The fine amount have not paid by the petitioners and now they are ready to pay the fine amount and they were on bail during the time of trial and due to heavy fever the 4th accused is not able to appear and 3rd accused is a driver and he went to Kerala for his job and he is not able to reach and attend the court in time on the date of judgment and the accused were absent and NBW was issued by the trial court and the petitioners are in custody. By considering all these facts and circumstances of the case, this court is of the view that the sentence imposed upon the petitioners can be suspended till the disposal of the appeal with the following conditions.

Accordingly, it is hereby the petitioners ordered to be released on bail during the pendency of appeal on their executing personal bond for a sum of Rs.10,000/- each with two sureties for a like sum each to the satisfaction of the **Trial Court** concerned . On furnishing bail bond ,the operation of the sentence of imprisonment shall remain suspended till the disposal of the appeal and the petitioners shall pay the fine amount of Rs.5,000/- each before the trial court and they should appear before this Court at 10.30 a.m. on 18.12.2025 and thereafter on subsequent hearing dates without fail.

Pronounced by me in Open Court, this the 17th day of November'2025.

**Principal Sessions Judge,
Pudukkottai.**

Copy to

The District Munsif cum Judicial Magistrate, Thirumayam.
The Inspector of Police, Thirumayam P.S.,
The Counsel for the petitioner.