



State of Tamilnadu  
In the Court of Sessions, Tenkasi Division  
Before the Principal Sessions Judge, Tenkasi.  
PRESENT: THIRU. B.RAJAVEL, B.SC., B.L.,  
Principal Sessions Judge, Tenkasi  
Wednesday the 04<sup>th</sup> day of February 2026  
M.P.No.1/2026 in C.A.8/2026

Jailani, S/o Hakkim

... Petitioner/Appellant/Accused  
/ Vs /

The Inspector of Police  
Puliarai P.S.  
Cr.No. 147/2022

.... Respondent/ Complainant

Petition dt: 03.02.2026 filed u/s 430 of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate, Shencottah has convicted the accused in C.C No. 315/2022, dt: 26.04.2025.

This petition is coming on this day for hearing before me in the presence of the Thiru.S.Palanikumar, Advocate for the petitioner/appellant/accused and of Thiru.M.P.K.Maruthappan, the Public Prosecutor for the respondent, on hearing both side this court delivered the following...

### **ORDER**

The learned Judicial Magistrate has passed Judgment in C.C.No.315/2022 on 26.04.2025 and convicted the petitioner/Appellant/Accused and sentenced to 3 years of rigorous

imprisonment and imposed fine of Rs.10,000/- i/d S.I. for 8 months for the offence u/s 392 of IPC. The incarceration period of 13.06.2022 to 09.07.2022 i.e. 27 days will be set off u/s 428(1) Cr.P.C. The fine amount of Rs.10,000/- will be given to the victim namely Thiru.Alagia Nambiyar (P.W.1) as compensation u/s 357 Cr.P.C.

The learned Counsel for the petitioner/appellant/accused submitted that the petitioner filed the appeal on various grounds and the same may be read part and parcel of this petition. The fine amount of Rs.10,000/- has been paid by this petitioner before the trial court. The petitioner/Appellant was on bail throughout the trial of the case and on the date of Judgment, NBW issued against this petitioner and on 13/09/2025 he arrested and remanded to Judicial custody and from 13/09/2025 to till date he is undergoing incarceration in the Central Prison at Palayamkottai. Hence, he prays to suspend the sentence imposed against the petitioner by the trial court.

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

Both sides heard and the Judgment of the trial court perused. After taking into consideration of both sides learned counsels arguments, and also on perusal of records it is found that petitioner/appellant/accused was convicted by the trial court. The learned Counsel for the petitioner contended that petitioner is having arguable points regarding the punishment imposed against him. The learned Public Prosecutor has not raised any serious objections and he has not reported any other cases pending against the petitioner. Considering the above aspects, the nature

of offences 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/accused alone is suspended till the disposal of the appeal and the petitioner shall be released on bail on condition that the petitioner/appellant/accused shall execute a bond for Rs.10,000/- with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate, Shencottah.

Pronounced by me in open court, this the 04<sup>th</sup> day of February 2026.

PRINCIPAL SESSIONS JUDGE,  
TENKASI.

Copy To :

The Judicial Magistrate, Shencottah.

The Public Prosecutor, Tenkasi.

The Counsel for the Petitioner.