

**BEFORE THE COURT OF SESSIONS DIVISION OF
VELLORE DISTRICT, TAMIL NADU.**

Present: Thiru.M.Elavarasan,
Principal Sessions Judge, Vellore.

Monday, the 01st day of June, 2026

Crl.M.P.No. 1716 of 2026
in
C.A. No. 29 of 2026
CNR.No. TNVL 01-002579-2026

in C.C.No. 438 of 2021, dated 30.10.2025 of Judicial Magistrate No.V,
Vellore.

Offence :

U/s. 279 of IPC sentenced to undergo Simple Imprisonment for a period of
one month and to pay fine of Rs.1,000/- in default to undergo SI for one week.

U/s. 304-A of IPC sentenced to undergo Simple Imprisonment for a period
of one year and to pay fine of Rs.5,000/- in default to undergo SI for one
month.

Vijayakumar, (M-30)
S/o Thangamani
No.20/3, Kollaimesu
Kudisaipulimesu, Oosur
Anaicut Taluk
Vellore District
Tamil Nadu.

... Appellant/Accused

-Versus-

State represented by
The Inspector of Police,
Sathuvachari P.S.
Vellore District
Tamil Nadu
Crime No.92/2020

... Respondent/Complainant

This petition is coming before me for hearing today in the presence of
Thiru. S.P.Babu, learned counsel for the petitioner/appellant/accused and the

learned Public prosecutor of this Court, after hearing both sides this Court, delivers the following:

O R D E R

The Petitioner/Appellant/Accused has been found guilty by the learned Judicial Magistrate No.V, Vellore in C.C.No. 438 of 2021 dated 30.10.2025 and the Petitioner/Appellant/ Accused has been convicted and sentenced to undergo Simple Imprisonment for a period of one month and to pay fine of Rs.1,000/- in default to undergo SI for one week for the offence U/s. 279 of IPC and the Petitioner/Appellant/ Accused has been convicted and sentenced to undergo Simple Imprisonment for a period of one year and to pay fine of Rs.5,000/- in default to undergo SI for one month for the offence U/s. 304- A of IPC and the said sentence suspended by the trial court in Crl.M.P.No.14196 of 2025, dated 30.10.2025 till 01.12.2025. The Petitioner/Appellant/Accused, challenging the finding of conviction and sentence, has preferred the Appeal in C.A. No. 29 of 2026 and it is pending.

2. The learned counsel for the petitioner submits that the petitioner has a fair chance of success in appeal and prays to suspend the sentence till the disposal of appeal.

3. The learned Public Prosecutor represented that the petitioner has been convicted in C.C.No. 438 of 2021 by the learned Judicial Magistrate V, Vellore, dated 30.10.2025 and the petitioner filed the above petition to suspend the sentence and the prosecution has clearly proved the case and hence the trial court convicted the accused and it is unable to secure the petitioner if the sentence was confirmed by this Honorable Court in the appeal and hence he opposed to suspend the sentence.

4. Heard Both sides. Records perused. The Petitioner/Appellant/Accused has paid the total fine amount of Rs.6,000/- before the trial court vide receipt No. 5828988 dated 30.10.2025 and the sentence of imprisonment order was suspended before trial court in Crl.M.P.No.14196 of 2025, dated 30.10.2025.

Considering the nature of offence, present facts and circumstances of the case and the petitioner has come forward with this appeal and also the petitioner is ready to furnish acceptable and adequate sureties. Hence, this court is inclined to suspend the sentence till the disposal of the Appeal on condition.

5. In the result, this petition is allowed;

(i) The impugned sentence order passed in C.C.No. 438 of 2021 dated 30.10.2025 by the Judicial Magistrate V, Vellore is suspended till the disposal of the appeal and the Petitioner/Appellant/Accused is ordered to surrender before the trial court within 15 days from the date of this order and ordered to be released on bail on executing his bond for Rs.10,000/- along with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate V, Vellore.

(ii) In the event of any failure of appearance, the learned Judicial Magistrate V, Vellore is required to issue NBW against the Petitioner/Accused to secure and send him to prison.

Pronounced by me in the Open Court on the 01st day of June, 2026.

Principal Sessions Judge,
Vellore District.

To
The Judicial Magistrate No. V, Vellore.
The Inspector of Police, Sathuvachari P.S.