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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5261 of 2026

K.Jothikumar
S/o.Krishnamurthy,
No.234, Banavaram Road,
Ayal Post, Ranipet District.

..Petitioner(s)

Vs

State Rep.by,
The Sub Inspector of Police,
Banavaram Police Station,
Ranipet District.
Cr.No.28 of 2022.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act to set aside the order dated 27.01.2026 made in Crl.M.P.No.150 of 2026 in Crl.A.No.3 of 2026 on the file of the learned District and Sessions Judge, Ranipet.

For Petitioner(s): Mr.G.P. Sivakumar

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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ORDER

The criminal original petition has been filed to set aside the order dated 27.01.2026 made in CrI.M.P.No.150 of 2026 in CrI.A.No.3 of 2026 on the file of the learned District and Sessions Judge, Ranipet.

2.The petitioner/A2 in C.C.No.9 of 2023 was convicted by the Trial Court by judgment dated 21.11.2025 for the offences under Sections 454 & 380 IPC by the learned Judicial Magistrate, Sholinghur and sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a further period of six months for the offence under Section 454 IPC and for the offence under Section 380 IPC, the petitioner was sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a further period of six months. Aggrieved against the judgment, the petitioner filed an appeal before the Sessions Court in CrI.A.No.3 of 2026, in which, he filed a petition for suspension of in CrI.M.P.No.150 of 2026. The learned Principal Sessions Judge, Ranipet, by order dated 27.01.2026 dismissed the petition seeking suspension of sentence against which, the present criminal original petition has been filed.



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3. The learned counsel for the petitioner submitted that the co-accused was granted suspension of sentence by order dated 05.03.2026 in CrI.O.P. No. 5606 of 2026 by this Court and therefore, the same benefit may be extended to the petitioner herein as well.

4. Heard the learned Additional Public Prosecutor and perused the materials on record.

5. Considering the submissions and without going into the nitty gritty on merits, it is seen that though the Trial Court convicted the petitioner for two offences and sentenced him to undergo three years simple imprisonment for each offence, to run concurrently, the Trial Court, while dismissing the suspension of sentence petition filed by the petitioner in CrI.M.P.No.1676 of 2025 stated that two sentences passed against the petitioner clearly bar the Court from exercising the power conferred under Section 389(3) Cr.P.C., which itself is not proper. The Lower Appellate Court has also not considered the same, but dismissed the petition on the ground that the petitioner has many previous cases, without giving any details. From the counter affidavit filed by the respondent, it is seen that the petitioner is involved in 2 cases of similar nature and the cases are pending



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trial. In this case also, the petitioner was convicted for three years on two counts but the sentences were ordered to run concurrently and not consecutively.

6. In view of the above, this Court is inclined to suspend the sentence imposed on the petitioner and the petitioner is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Trial Court.

7. Further, the petitioner shall appear before the respondent police on every Monday and Friday at 11.00 a.m. until the disposal of the criminal appeal except on the days, when he has to appear before the trial Court in other cases.

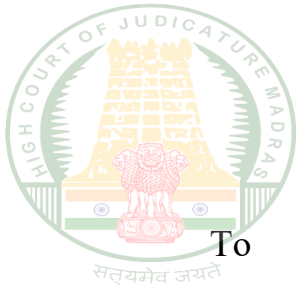
8. Accordingly, this Criminal Original Petition is disposed of.

16-03-2026

Neutral Citation: Yes/No

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To

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1. The District and Sessions Court,
Ranipet.
2. The Judicial Magistrate, Sholinghur.
3. The Sub Inspector of Police,
Banavaram Police Station,
Ranipet District.
Cr.No.28 of 2022.
4. The Superintendent, Central Prison,
Vellore.
5. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

nv

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