



CRL MP(MD) No.7395 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Thursday, the Twenty Fifth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.7395 of 2024

in

CRL RC(MD) No.713 of 2024

KAJA MYDEEN

... Petitioner / Appellant /  
Respondent

Vs

1 NATHADU BEGAM @ NATHKAR BEGAM

2 MINOR NASHIRA  
(Respondent 2 represented by their  
mother and guardian viz., 1<sup>st</sup> respondent  
herein)

... Respondents / Petitioners

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of Imprisonment imposed by the Judicial Magistrate Court, Tenkasi, Tenkasi District in CrI.M.P.No.340 of 2022 in M.C.No.01 of 2021 dated 04.12.2023 and enlarge the petitioners on bail, pending disposal of the above said criminal appeal.

Prayer in CRL RC(MD). 713/ 2024 :

To call for the records of the Learned Judicial Magistrate Court, Tenkas, Tenkasi District in CrI.M.P.No.340 of 2022 in M.C.No.01 of 2021 and set aside the order dated 04.12.2023 in rl.M.P.NO.340 of 2022 in M.C.No.01 of 2021 on the file of the learned Judicial Magistrate Court, Tenkasi, Tenkasi District.



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Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.RAJKUMAR P, Advocate for the petitioner and of Mr.C.VENKATESH, Advocate on behalf of the Respondents, while admitting the criminal revision cases, the Court made the following order:-

This petition has been filed to suspend the sentence of Imprisonment imposed by the Judicial Magistrate Court, Tenkasi, Tenkasi District in Crl.M.P.No.340 of 2022 in M.C.No.01 of 2021 dated 04.12.2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal revision case.

2. The case of the prosecution is that the respondents had filed a petition before the Court below, seeking maintenance of Rs.7,500/- to the first respondent and Rs.3,000/- to the second respondent and the same shall be paid 5<sup>th</sup> of every English Calendar. The petitioner has not paid a total amount of Rs.1,26,000/- for the period from 05.01.2021 to 05.01.2022 to the respondents.

3. During the trial, the learned Judicial Magistrate, Tenkasi has passed the order in M.C.No.340 of 2022, dated 04.12.2023. The wife filed a execution of the Maintenance case order in Crl.M.P.No.340 of 2022. The learned trial Judge sentenced them to undergo 35 months Simple Imprisonment. Challenging the above said Simple Imprisonment, the petitioner preferred the present Criminal Revision along with the Miscellaneous Petition seeking for suspension of sentence.



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4. The learned counsel for the petitioner would submit that the petitioner has no permanent job and the maintenance amount imposed by the Court below is very high. He would further submit that the petitioner is in Jail. Hence, he seeks suspension of sentence.

5. The learned Counsel for the respondents would submit that the petitioner has not complied with the condition imposed by the Court below and hence, he strongly opposed this petition.

6. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. The petitioner undertakes to pay sum of Rs.2,00,000/- (Rupees Two Lakhs only) and he is confined in prison. Hence, this Court inclines to grant suspension of sentence.

8. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent wife on or before 09.08.2024; otherwise the order passed in Crl.M.P.No.340 of 2022 in M.C.No.01 of 2021, shall stand restored;

(ii) The petitioner shall execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi; and

(iii)The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

sd/-  
25/07/2024

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25/07/2024  
Sub-Assistant Registrar ( Judicial )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

RJR

To

1.The Judicial Magistrate,  
Tenkasi.

2.Do through the Chief Judicial Magistrate,  
Tirunelveli District.

Copy to:

The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.RAJKUMAR, Advocate ( SR-8548[I] dated 25/07/2024 )



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ORDER  
IN  
CRL MP(MD) No.7395 of 2024  
in  
CRL RC(MD) No.713 of 2024  
Date :25/07/2024

ED/ /SAR- (25/07/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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