



CRL MP(MD) No.11394 of 2024

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

Thursday, the Twenty Fourth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11394 of 2024

in

CRL RC(MD) No.1029 of 2024

NAGARAJAN @ PADAIYAPPA

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 72/2018

... RESPONDENT/RESPONDENT

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 imposed against the petitioner in CrlA No. 65/2022 dt. 30.09.2024 on the file of the Additional District and Sessions court, Nagercoil by confirming the judgment and sentence passed in C.C.No. 63/2018 dated 09.06.2022 on the file of Judicial Magistrate - II, Nagercoil and enlarge the petitioner on bail pending disposal of above Criminal Revision Petition.

Prayer in CRL RC(MD) No.1029 of 2024 :

To set-aside the judgment passed in Crl.A.No.65/2022 dated 30.09.2024 on the file of Additional District and Session Court, Nagercoil by allowing this criminal revision petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.SUBBIAH, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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The above petition has been filed to suspend the sentence imposed on the petitioner/sole accused by the learned Judicial Magistrate No.II, Nagercoil, in C.C.No.63 of 2018, dated 09.06.2022, which was confirmed by the learned Additional District and Sessions Judge, Nagercoil in C.A.No.65 of 2022, dated 30.09.2024.

2. The case of the prosecution is that due to previous enmity, on 04.02.2018 at about 18.30 hours, the petitioner had abused the defacto complainant in filthy language and attacked him and also threatened him with dire consequences. Hence, FIR came to be registered in Crime No.72 of 2018.

3. The respondent, after completing the investigation, has filed the final report for the offences under Sections 294(b), 325 and 506(2) IPC and the case was taken on file in C.C.No.63 of 2018 and the same was pending on the file of the Judicial Magistrate No.II, Nagercoil.

4. The learned counsel appearing for the petitioner would submit that the trial Court has found the petitioner guilty for the offence under Section 325 IPC and sentenced him to undergo one month simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo ten days simple imprisonment.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.65 of 2022 on the file of the Additional District and Sessions Court, Nagercoil. The learned Sessions Judge, by confirming the conviction



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and sentence, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present criminal revision along with the above application for suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nagercoil;

(ii) 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; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
24/10/2024

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/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, NAGERCOIL.

2 THE JUDICIAL MAGISTRATE, NAGERCOIL.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE, VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.11394 of 2024

in

CRL RC(MD) No.1029 of 2024

Date :24/10/2024

RS/JGB/SAR-(04.11.2024) 5P 6C

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