



CRL MP(MD) NO. 13656 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 13656 of 2024

IN

CRL RC(MD) NO. 1346 OF 2024

Gopalakrishnan

Petitioner(s)

Vs

Rajeswari

Respondent(s)

For Petitioner(s) : M/s.S.Sarvagan Prabhu, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the Chief Judicial Magistrate, Thanjavur @ Kumbakonam, in CrI.M.P.No.967 of 2014 in M.C.No.35 of 2023, dated 19.11.2024, till the disposal of the Criminal Revision Case in CrI.R.C.(MD) No.1346 of 2024.

2. The learned counsel appearing for the petitioner would submit that the respondent filed a maintenance petition under Section 125 of Cr.P.C. before the learned Chief Judicial Magistrate, Thanjavur @ Kumbakonam in M.C. No.35 of 2023



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and the learned Magistrate, after enquiry, has passed an order, dated 01.12.2023, directing the petitioner to pay monthly maintenance amount of Rs.20,000/- (Rupees Twenty Thousand only) to the respondent. Since the petitioner has not paid the maintenance amount, the respondent filed a petition under Section 144(3) of BNSS in Crl.M.P.No.967 of 2024 for enforcement of the earlier order dated 01.12.2023, and the learned Magistrate has passed an order, dated 19.11.2024, sentencing the petitioner to undergo simple imprisonment for a period of 11 months and 15 days or until payment is made. Aggrieved by the above said order, the petitioner has come forward with the criminal revision case, along with the present Criminal Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 57 years, and the petitioner has no sufficient income, and he was not able to pay the maintenance as ordered by the Court. Further, the learned counsel for the petitioner submits that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to prove his bonafide.

4. This Court has carefully considered the submission made by the learned counsel for the petitioner, and has also perused the materials available on record.

5. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case. The fact remains that there are arguable



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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 and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, this petition is allowed, and the relief of suspension of sentence is granted to the petitioner on the following conditions :

(i) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crl.M.P.No.967 of 2024 in M.C.No.35 of 2023 on the file of the learned Chief Judicial Magistrate, Thanjavur @ Kumbakonam on or before 21.01.2025, failing which, the sentence suspended shall automatically dismissed;

(ii) On such deposit, the petitioner 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 learned Chief Judicial Magistrate, Thanjavur @ Kumbakonam.

(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;



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(iv) 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

7. Issue notice to the respondent returnable on 22.01.2025. Private notice is also permitted.

8. List the matter on 22.01.2025 under the caption “for reporting compliance”.

sd/-
16/12/2024

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/01/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

To

The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

Copy to:

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-15496[I] dated 17/12/2024)



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ORDER

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IN

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Date :16/12/2024

ED/ VR /SAR- (07/01/2025) 5P / 4C

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