



CRL MP(MD) NO. 14167 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-12-2024

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 14167 of 2024
IN
CRL RC(MD) NO. 1400 OF 2024

Ananthakrishnan
S/o.Thankaswamy, Kumbanakuzhi, Kanjampuram Post,
Kanyakumari District.

...Petitioner

Vs

The State of Tamil Nadu
Through The Inspector of Police,
All Women Police Station, Colachel, Nagercoil,
Kanyakumari District.
Crime no.4/2010.

...Respondent

For Petitioner:
Mr.R.Ponkarthikeyan

For Respondent:
Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence
imposed against the petitioner/A1 by the learned Judicial Magistrate No.II,

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



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Kuzhithurai in C.C.No.124 of 2010, dated 31.08.2015, which was confirmed in Criminal Appeal No.50 of 2015, dated 26.11.2024, by the learned Additional Sessions Judge, Kuzhithurai pending disposal of the Criminal Revision Case in Crl.R.C.(MD) No.1400 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.4 of 2010, came to be registered by the respondent police as against the accused for the offence under Sections 498(A), 294(b), 323 and 506(1) of IPC read with Sections 4 and 6 of Dowry Prohibition Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.124 of 2010 on the file of the learned Judicial Magistrate No.II, Kuzhithurai.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 31.08.2015, and the trial Court sentenced the petitioner/1st accused to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 498(A)



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of IPC, and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 323 of IPC. He was acquitted by the trial Court for the offence under Section 506(1) of IPC and Sections 4 and 6 of Dowry Prohibition Act.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.50 of 2015 on the file of the learned Additional Sessions Judge, Kuzhithurai. By a judgment, dated 26.11.2024, the learned Additional Sessions Judge, Kuzhithurai, by confirming the said conviction and sentence, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Government Advocate (Criminal Side) appearing for the

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respondent submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are 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.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

- (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



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Judicial Magistrate Court No.II, Kuzhithurai.

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(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 first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
20/12/2024

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/01/2025

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

mkn

TO

1.THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI.

2.THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

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

4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL,
NAGERCOIL,
KANYAKUMARI DISTRICT.



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

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-15760[I] dated 20/12/2024)

ORDER
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IN
CRL RC(MD) NO. 1400 OF 2024
Date :20/12/2024

RK/VR (20/01/2025) 6P / 7C

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