



*Crl.M.P.Nos.421 and 423 of 2025
in Crl.R.C.No.59 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.M.P.Nos.421 and 423 of 2025
in Crl.R.C.No.59 of 2025

1.Muthu
2.Selvi
3.Kavitha
4.Kumutha
5.Murthy

...Petitioners/Accused in both Crl.M.Ps

Vs.

The Inspector of Police,
Thoppur Police Station,
Thoppur, Dharmapuri.

...Respondent/Respondent in both Crl.M.Ps.

PRAYER in Crl.M.P.No.421 of 2025: Criminal Miscellaneous Petition has been filed under Section 482 of Cr.P.C., praying to suspend the sentence upon the petitioners by the learned Additional District and Sessions Judge, Dharmapuri, in Crl.A.No.8 of 2024 upholding the sentence dated 23.01.2024 passed by the Judicial Magistrate II, Dharmapuri in C.C.No. 34 of 2016 till disposal of the main revision.



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PRAYER in Crl.M.P.No.423 of 2025: Criminal Miscellaneous Petition has been filed under Section 482 of Cr.P.C. to exempt the petitioners from surrender before the Judicial Magistrate Court II, Dharmapuri in C.C.No. No.34 of 2016, and enforcing the sentence imposed by the learned Additional District and Sessions Judge, Dharmapuri in Crl.A.No.8 of 2024 may kindly be suspended till the disposal of the main criminal revision petition.

For Petitioners	: Mr.V.Pavel in both Crl.M.Ps.
For Respondent	: S.Udaya Kumar Government Advocate (Crl. Side) in both Crl.M.Ps

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioners/accused in CC.No.34 of 2016 by the learned Judicial Magistrate No.II, Dharmapuri and confirmed by the learned Additional District and Sessions Judge, Dharmapuri in Crl.A.No.8 of 2024 dated 28.11.2024 and release the first petitioner on bail, pending disposal of the above revision and to exempt the petitioners two to four from surrendering before the trial court, pending disposal of the above revision.



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2. The case of the prosecution is that on account of previous enmity, the petitioners on 23.04.2014, at about 3.00 p.m., unlawfully assembled in the house of P.W.1 to P.W.4 with weapons such as a knife and an iron rod and abused the witness Mr. Kamaraj, P.W.1, in filthy language; that the first accused had chopped off two fingers of the right hand of the witness Kamaraj, P.W.1, and the other accused attacked the witnesses (i) Muniammal and (ii) Basuvaraj with an iron rod and knife.

3. The petitioners were convicted by the trial Court for the offences under Sections 148, 323, 324, and 326 of the IPC and sentenced them as follows:

Accused No.	Offence Sections under	Sentence imposed by trial Court
A1	148 of IPC	To undergo SI for one year and to pay a fine of Rs.50/- in default to undergo SI for one week.
	326 of IPC	To undergo SI for three years and to pay a fine of Rs.1,000/- in default to undergo SI for one month.
A2	148 of IPC	To undergo SI for one year and to pay a fine of Rs.50/- in default to undergo SI for one week.
	324 of IPC	To undergo SI for two years and to pay a fine of Rs.500/- in default to undergo SI for one month.
A3	148 of IPC	To undergo SI for one year and to pay a fine of Rs.50/- in default to undergo SI for one week.
	323 of IPC	To undergo SI for six months and to pay a fine of Rs.100/- in default to undergo SI for one week.



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A4	148 of IPC	To undergo SI for one year and to pay a fine of Rs.50/- in default to undergo SI for one week.
	324 of IPC	To undergo SI for two years and to pay a fine of Rs.500/- in default to undergo SI for one month.
A5	148 of IPC	To undergo SI for one year and to pay a fine of Rs.50/- in default to undergo SI for one week.
The sentenced imposed upon A1 to A4 run concurrently.		

On appeal, the said conviction and sentence were confirmed by the lower Appellate Court. Aggrieved by the same, the petitioners filed Crl.R.C.No.59 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, bail, and exemption from surrender.

4. Mr.V.Pavel, the learned counsel for the petitioners, would submit that the complaint was lodged three days after the alleged occurrence and the delay has not been explained; that the alleged weapons used by the accused were not seized; that the investigating officer was not examined; and that the doctor who had treated the witness was not examined; that there is a contradiction in the statements of P.W.1 and P.W.2, before the doctor, as to the number of assailants, and the petitioners have been implicated on account of prior enmity.



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(b) The learned counsel further submitted that the first petitioner has surrendered before the trial Court on 27.01.2025 and sought an exemption from surrendering as regards the second to the fourth petitioners, who are ladies; and the fifth petitioner against whom no specific overt act has been attributed.

5. Heard Mr.S.Udaya Kumar, the learned Government Advocate (Crl.Side), who confirms the fact that the first petitioner had surrendered before the trial Court.

6. On perusal of the records, it is seen that there is a delay of three days in lodging the complaint. Admittedly, there is previous enmity between the witnesses and the petitioners. The petitioners have raised substantial grounds in the above revision, which requires consideration. The revision is not likely to be taken up in the near future. The first petitioner has surrendered before the trial Court pursuant to the judgment of the appellate Court. Hence, Crl.M.P.No.423 of 2025 filed for exemption from surrendering by the first petitioner is dismissed as infructuous. The petitioners two to four are ladies and since no specific overt act has been attributed to the fifth respondent, this



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Court is inclined to exempt the petitioners 2 to 5 from surrendering before the trial court and also release the first petitioner on bail on the following conditions till the disposal of the above Criminal Revision:

(i) The petitioners/A1 to A5 shall execute a bond each for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dharmapuri;

(ii) The petitioners and 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 and mobile numbers to ensure their identity; and

(iii) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.



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7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

**29.01.2025
(2/2)**

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Note: Issue order copy by 30.01.2025

Copy to:

- 1.The Additional District and Sessions Judge, Dharmapuri.
- 2.The Judicial Magistrate II, Dharmapuri.
3. The Superintendent of Prison,
Central Prison,
Salem
- 4.The Inspector of Police,
Thoppur Police Station,
Thoppur, Dharmapuri.
- 5.The Public Prosecutor,
High Court, Madras.



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