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*Crl.M.P.No.14841 & of 2025
in Crl.R.C.No.857 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.14841 of 2025
in
Crl.R.C.No.857 of 2025

T.Krishnamoorthy

...Petitioner

Vs.

1.M.Narthana

2.Minor Aadhav Krishna

Rep. by Guardian mother Narthana

... Respondents

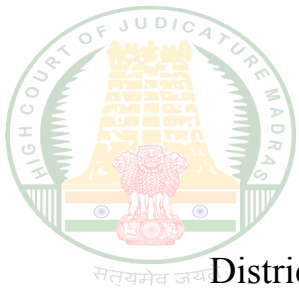
PRAYER: Criminal Miscellaneous Petition filed under Sections 430 (1) of BNSS r/w 396, r/w 473 of Cr.P.C., to suspend the order of conviction and sentence passed in Crl.M.P No.581 of 2023 in M.C No.3 of 2021 dated 20.05.2025 on the file of the District Munsif cum Judicial Magistrate, Madathukulam and enlarge him on bail pending revision.

For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.D.R.Arunkumar

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned



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District Munsif cum Judicial Magistrate, Madathukulam, in Crl.M.P No.581 of 2023 in M.C No.3 of 2021 dated 20.05.2025, and enlarge the petitioner on bail.

2. The petitioner herein is the husband the 1st respondent herein is the wife. The 1st respondent filed a maintenance case in M.C No.3 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Madathukulam seeking maintenance. The trial Court, by an order dated 24.06.2022 allowed the petition and directed the petitioner herein, to pay a sum of Rs.2,50,000/- towards arrears of maintenance, failing which the petitioner was ordered to be convicted. However, the petitioner has failed to comply with the said order. Thereafter, the 1st respondent has filed a petition in Crl.M.P No.581 of 2023 seeking a direction to comply with the earlier order passed by the trial Court. The said petition was allowed on 20.05.2025, directing the petitioner to comply with the earlier order, failing which the petitioner shall undergo simple imprisonment for a period of six months. Hence the present revision has been filed along with the petition for suspension of sentence.



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3. The learned counsel for the petitioner would submit that the petitioner is ready and willing to comply with the order passed by the trial Court and hence, the substantive sentence imposed against the petitioner may be suspended.

4. Heard the learned counsel appearing on either side and also perused the materials placed on record.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and considering the period of incarceration undergone by the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) directly to the account of the 1st respondent within a period of two weeks from the date of coming out from the prison, failing which, the order passed by this Court shall stand automatically cancelled;



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(b) The petitioner is ordered to be released on bail, on his executing 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 District Munsif cum Judicial Magistrate, Madathukulam.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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 355 of BNSS, 2023. 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.

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

01.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Note: The registry is directed to issue order copy today i.e.01.08.2025 and list the main case on 18.08.2025.



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To

1.The District Munsif cum Judicial Magistrate, Madathukulam

2.The Central Prison, Coimbatore.

G.K.ILANTHIRAIYAN, J.



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