



Crl.M.P.(MD) No.117 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CRL.MP(MD) No. 117 of 2025
in
Crl.A(MD)No.13 of 2025**

K.G.Udhayakumar

..... Petitioner

Vs.

**State rep. by
The Inspector of Police
Kaliyakavilai Police Station,
Kanyakumari District.
(Crime No.381 of 2017)**

..... Respondent

Prayer : Petition filed under Section 430(2) of BNSS to suspend the sentence in S.C.No.77 of 2019 dated 07.12.2024 on the file of the learned Additional District and Sessions Judge at Kuzhithurai, Kanyakumari District pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.P.Krishna Doss
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

Seeking to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Kuzhithurai, Kanyakumari District, *vide* Judgment dated 07.12.2024 in S.C.No.77 of 2019, he has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amoun
302 of IPC	Life Imprisonment	Rs.5,000/- i/d to undergo three months simple imprisonment

3. Heard the learned counsel on either side and perused the materials available on record.



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4. Considering the period of incarceration suffered by the petitioner and that there are several arguable points and further the appeal is of year 2025 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible, hence we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

5.. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Kuzhithurai, Kanyakumari District.

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 passbook to ensure their identity.

iii. The petitioner shall appear and sign before the trial Court on the first working day of every English calender month at 10.30



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a.m., till the disposal of the Criminal Appeal.

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[G.K.I., J.] & [R.P., J.]
03.12.2025

NCC : Yes / No
Index : Yes / No
am

Copy to

- 1.The Additional District and Sessions Judge,
Kuzhithurai, Kanyakumari District.
- 2.The Inspector of Police
Kaliyakavilai Police Station,
Kanyakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.
AND
R.POORNIMA, J.

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