



CRL MP(MD) NO. 427 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 427 of 2025

IN

CRL RC(MD) NO. 37 OF 2025

Palanisamy
S/o.Sethu, Muranikalam,
Nerkuppai, Sivagangai District.

...Petitioner

Vs

The State of Tamilnadu
Rep by The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
Crime no.92 of 2014.

...Respondent

For Petitioner:

Mr.P.Aju Tagore, Advocate

For Respondent:

Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner by the learned Sub Judge, Sivagangai in S.C.No.37 of 2016, dated 29.03.2023, which was modified in Criminal Appeal No.36 of 2023, dated 20.09.2024, by the learned Principal Sessions Judge, Sivagangai, pending disposal of

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the Criminal Revision Case in CrI.R.C.(MD)No.37 of 2025.

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2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.92 of 2014, came to be registered by the respondent police as against the accused for the offence under Sections 294(b), 326 and 307 IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in S.C.No.37 of 2016 on the file of the learned Sub Judge, Sivagangai.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 29.03.2023, and the trial Court sentenced him to undergo simple imprisonment for a period of one month for the offence under Section 294(b) of IPC, and to undergo rigorous imprisonment for a period of four years 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 326 of IPC, and the sentences were ordered to run concurrently. He was acquitted by the trial Court for the offence under Section 307 of IPC.



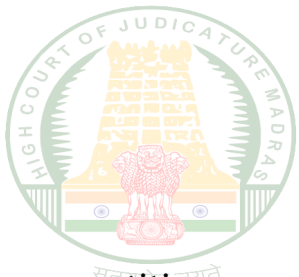
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5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.36 of 2023 on the file of the learned Principal Sessions Judge, Sivagangai. By a judgment, dated 20.09.2024, the learned Principal Sessions Judge, Sivagangai partly allowed the appeal by modifying the sentence imposed by the learned Sub Judge, Sivagangai in S.C.No.37 of 2016 dated 29.03.2023. Accordingly, the sentence for the offence under Section 326 of IPC was reduced from 4 years of rigorous imprisonment to 1 year of rigorous imprisonment. 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. He further submitted that the fine amount, imposed on the petitioner, has already been paid.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the



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petitioner and hence, he opposed to grant suspension of sentence.

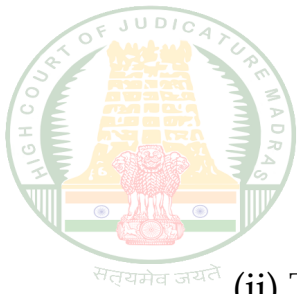
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8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

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 learned Assistant Sessions Judge, Sivagangai.



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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 learned Assistant Sessions Judge, Sivagangai once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
10/01/2025

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/01/2025

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

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TO

1.THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI,

2.THE SUBORDINATE JUDGE, SIVAGANGAI

3.THE ASSISTANT SESSIONS JUDGE, SIVAGANGAI.

4.THE INSPECTOR OF POLICE,
NERKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT.

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



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ORDER
IN
CRL MP(MD) NO. 427 of 2025
IN
CRL RC(MD) NO. 37 OF 2025
Date :10/01/2025

RK/VR (30/01/2025) 6P / 7C

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