



CRL MP(MD) NO. 477 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-01-2025

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 477 of 2025
IN
CRL RC(MD) NO. 39 of 2025

Karikalan
S/o.Vemburaj @ Thendraladiyan, Old No.62,
New No.403, Kallar Street, Kallukuzhi, Trichy.

...Petitioner

Vs

The State of Tamilnadu
Rep by The Sub Inspector of Police.
Cantonment Police Station(L and O), Tiruchirappalli.
Crime No.321 of 2015.

...Respondent

For Petitioner:

Mr.C.Vakeeswaran, Advocate

For Respondent:

Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner/A1 by the learned Judicial Magistrate No.II, Tiruchirappalli in C.C.No.357 of 2015 dated 19.07.2023, which was modified in



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Criminal Appeal No.70 of 2023, dated 05.11.2024, by the learned II Additional District and Sessions Judge, Tiruchirappalli, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.39 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.321 of 2015, came to be registered by the respondent police as against the accused for the offence under Sections 429 and 506(1) of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.357 of 2015 on the file of the learned Judicial Magistrate No.II, Tiruchirappalli.

4. The learned counsel appearing for the petitioner submitted that the petitioner/A1 has been convicted by the trial Court on 19.07.2023, and the trial Court sentenced him to undergo simple imprisonment for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo simple imprisonment for a period of six months for the offence under Section 429 of IPC. He was acquitted by the trial Court for the offence under Section 506(1) of IPC.



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5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.70 of 2023 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli. The learned II Additional District and Sessions Judge, Tiruchirappalli, by modifying the sentence imposed on the petitioner by the learned Judicial Magistrate No.II, Tiruchirappalli in C.C.No.357 of 2015 dated 19.07.2023, partly allowed the appeal. Accordingly, the sentence imposed on the petitioner for the offence under Section 429 of IPC was reduced from three years of simple imprisonment to two years of simple 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.

7. The learned Additional Public Prosecutor appearing for the respondent submitted that there are enough materials available on record against the 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 Additional Public Prosecutor 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 Judicial Magistrate No.II, Tiruchirappalli;

(ii) The sureties shall affix their photographs and Left Thumb



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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 Judicial Magistrate No.II, Tiruchirappalli 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/-
20/01/2025

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/01/2025

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

MKN

TO

1.THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUCHIRAPALLI.

2.THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPALLI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

4.THE SUB INSPECTOR OF POLICE.

CANTONMENT POLICE STATION(L AND O), TIRUCHIRAPPALLI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-538[I] dated 20/01/2025)



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ORDER
IN
CRL MP(MD) NO. 477 of 2025
IN
CRL RC(MD) NO. 39 of 2025
Date :20/01/2025

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

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