



CRL MP(MD) NO. 1255 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-01-2025

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1255 of 2025
IN
CRL RC(MD) NO. 120 of 2025

Sekar

S/o. David Raj, Main Road, Near by Palli, Kesavanputhur,
Azhakiyapandipuram, Kaniyakumari District.

...Petitioner

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Boothapandy Police Station, Kanyakumari District.
(Crime No. 35/2017)

...Respondent

For Petitioner:

Mr.V.Balaji Rajaram, Advocate

For Respondent:

Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner/A1 by the learned District Munsif cum Judicial Magistrate, Bhoothapandy in C.C.No.4 of 2018, dated 26.03.2022, which was



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confirmed in Criminal Appeal No.16 of 2022, dated 18.11.2024, by the learned Additional District and Sessions Judge (Fast Track), Nagercoil pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.120 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.35 of 2017, came to be registered by the respondent police as against the petitioner/ A1 for the offence under Sections 294(b), 323, 325 and 506(1) of IPC read with Section 4 of TNPHW Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.4 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Bhoothapandy.

4. The learned counsel appearing for the petitioner submitted that the petitioner/ A1 has been convicted by the trial Court on 26.03.2022, and the trial Court sentenced the petitioner to undergo simple imprisonment for a period of six months and to pay a fine of Rs.3,000/- (Rupees Three Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 325 of IPC. He was acquitted by the trial Court for the offence under Sections 294(b), 506(1)



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of IPC and Section 4 of TNPHW Act.

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5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.16 of 2022 on the file of the learned Additional District and Sessions Judge (Fast Track), Nagercoil. By a judgment, dated 18.11.2024, the learned Additional District and Sessions Judge (Fast Track), Nagercoil, by confirming the said conviction and sentence, dismissed the appeal. 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. The learned counsel for the petitioner appeared through Video Conference submitted 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 District Munsif cum Judicial Magistrate Court, Bhoothapandy.

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

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surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass

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Book to ensure their identity; and

(iii) The petitioner shall appear before the District Munsif cum Judicial Magistrate, Bhoothapandy once in a month i.e., on first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
30/01/2025

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/02/2025

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

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To

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK),
NAGERCOIL
- 2.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, BHOOOTHAPANDY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 4.THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

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Date :30/01/2025

RK/VR (10/02/2025) 6P / 6C

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