



CRL MP(MD) NO. 932 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 932 of 2025

IN

CRL RC(MD) NO. 88 OF 2025

1.Thangavelu

S/o Sooraiya, East street, Sithudaiyan, Kadaladi taluk,
Ramanathapuram District.

2.Ananthavalli

W/o.Thangavelu, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

3.Suriya

S/o.Thangavelu, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

4.Sathiyaraj

S/o.Lingaraj, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

5.Deivaraj

S/o.Lingaraj, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

6.Guru

S/o.Lingaraj, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

7.Suresh Kumar

S/o Sithiraiyelu, Sithudaiyan, Kadaladi taluk, Ramanathapuram District.

<https://www.mhc.tn.gov.in/judis>



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8.Kaleeswaran

S/o.Sithiraivelu, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

9.Sureshkumar

S/o.Sooravel, Sithudaiyan, Kadaladi taluk, Ramanathapuram
District.

Petitioner(s)

Vs

The State of Tamil Nadu

Rep by The Inspector of Police, Keelaselvanoor Police station,
Ramanathapuram District.

Respondent(s)

For Petitioner(s):

Ms.P.Subathra Devi
for M/s.Polax Legal Solutions

For Respondent(s):

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioners by the learned District Munsif cum Judicial Magistrate, Kadaladi in C.C.No.23 of 2022, dated 28.03.2024, which was confirmed in Criminal Appeal No.27 of 2024, dated 25.10.2024, by the learned Principal Sessions Judge, Ramanathapuram pending disposal of the Criminal Revision Case in CrI.R.C.

(MD)No.88 of 2025.

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2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.47 of 2021, came to be registered by the respondent police as against the accused for the offence under Sections 147, 448, 427, 294(b) and 323 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.23 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi .

4. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 28.03.2024, and the trial Court sentenced the accused as follows :

(i) each of the accused was sentenced to undergo simple imprisonment for a period of one year for the offence under Section 147 of IPC;

(ii) each of the accused was sentenced to undergo simple imprisonment for a period of six months for the offence under Section 448 of IPC;

(iii) each of the accused was sentenced to undergo simple imprisonment for a period of one year for the offence under Section 427 of IPC;

(iv) Accused Nos.1, 3 and 4 were sentenced to undergo simple imprisonment for a period of one year each and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) each, in default, to undergo simple imprisonment for a period of three months



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each for the offence under Section 4 of TNPHW Act;

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(v) Accused Nos.1, 2, 3 and 4 were sentenced to pay a fine of Rs.1,000/- (Rupees One Thousand only) each, in default, to undergo simple imprisonment for a period of one month each for the offence under Section 294(b) of IPC; and

(vi) Accused Nos.1, 2, 3 and 4 were sentenced to pay a fine of Rs.1,000/- (Rupees One Thousand only) each, in default, to undergo simple imprisonment for a period of one month for the offence under Section 323 of IPC, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in Criminal Appeal No.27 of 2024 on the file of the learned Principal Sessions Judge, Ramanathapuram. By a judgment, dated 25.10.2024, the learned Principal Sessions Judge, Ramanathapuram dismissed the appeal by confirming the conviction and sentence imposed by the learned District Munsif cum Judicial Magistrate, Kadaladi in C.C.No.23 of 2022 dated 28.03.2024. Being dissatisfied with the said conviction and sentence, the petitioners have 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 petitioners that there are several infirmities in the prosecution case, and also there are contradictions in material



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particulars between the evidence of the prosecution witnesses.

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7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioners and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioners 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 petitioners 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 petitioners herein are 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 petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial



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Magistrate, Kadaladi, Ramanathapuram 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 Pass Book to ensure their identity; and

(iii) The petitioners shall appear before the Judicial Magistrate, Kadaladi, Ramanathapuram District once in a month i.e., on 1st working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
27/01/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO
1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE JUDICIAL MAGISTRATE,
KADALADI, RAMANATHAPURAM DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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4 THE INSPECTOR OF POLICE,
KEELASELVANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-896[I] dated 27/01/2025)

ORDER
IN
CRL MP(MD) NO. 932 of 2025
IN
CRL RC(MD) NO. 88 OF 2025
Date :27/01/2025

SA/VR/SAR. /07.02.2025/7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.