



CRL MP(MD) NO. 1122 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-01-2025

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1122 of 2025
IN
CRL RC(MD) NO. 106 of 2025

1.Tamilselvan
S/o. Chandran, Pulikottaiyur,
Karikaranpudur Post, Palani, Dindigul District.

2.Kannan
S/o.Pichaithevar, Pulikottaiyur,
Karikaranpudur Post, Palani,
Dindigul District.

...Petitioners

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Palani Town Police Station, Dindigul District.
(Crime No. 406 of 2014)

...Respondent

For petitioners:

Mr.D.Venkatesh, Advocate

For Respondent:

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence

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



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imposed against the petitioners by the learned Judicial Magistrate, Palani in C.C.No.235 of 2014, dated 28.11.2019, which was confirmed in Criminal Appeal No.88 of 2019, dated 15.11.2024, by the learned Additional District Judge (Fast Track Court), Palani pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.106 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.406 of 2014, came to be registered by the respondent police as against the accused for the offence under Section 379 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.235 of 2014 on the file of the learned Judicial Magistrate, Palani.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 28.11.2019, and the trial Court sentenced both the petitioners to undergo rigorous imprisonment for a period of one year and 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



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Section 379 of IPC.

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5. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in Criminal Appeal No.88 of 2019 on the file of the learned Additional District Judge (Fast Track Court), Palani. By a judgment, dated 15.11.2024, the learned Additional District Judge (Fast Track Court), Palani, by confirming the said conviction and sentence, dismissed the appeal. 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 particulars between the evidence of the prosecution witnesses.

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.



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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 Magistrate, Palani;

(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



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

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29/01/2025

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/02/2025

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

mkn

TO

1.THE ADDITIONAL DISTRICT JUDGE(FAST TRACK COURT), PALANI.

2.THE JUDICIAL MAGISTRAE, PALANI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

4.THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-1080[I] dated 30/01/2025)

ORDER

IN

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IN

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Date :29/01/2025

RK/VR (10/02/2025) 5P / 7C

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