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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.03.2025

Pronounced on : 11.03.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.1574 and 1575 of 2025

in

CRL RC(MD) No.151 of 2025

1.Rajamanickam

2.Malayalan

3.Thangaraj

... Petitioners in both the petitions

Vs

State of Tamilnadu rep. by

Inspector of Police,

Kulithalai Police Station,

Karur District.

... Respondent in both the petitions

CRL MP(MD) Nos.1574 and 1575 of 2025:

For Petitioners : Mr.K.Suresh, Advocate

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate  
(Criminal Side)

(in both the petitions)



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COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the petitioners/accused 1 to 3 by the learned Judicial Magistrate No.II, Kulithalai, in C.C.No.11 of 2017, dated 23.11.2022, which was modified by the learned Principal District Judge, Karur, in CrI.A.No.158 of 2022, vide judgment dated 05.07.2024, pending disposal of the criminal revision and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the prosecution is that on 30.04.2016 at about 06.30 a.m., due to previous motive, the petitioners/accused 1 to 3 had scolded the defacto complainant in filthy language and attacked him by using crowbar and caused grievous injuries and on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.324 of 2016.

3. The respondent police, after completing the investigation, has filed the final report against the petitioners for the offences under Sections 294(b), 341, 326 and 506(2) IPC and the case was taken on file in C.C.No.11 of 2017 on the file of the Judicial Magistrate No.II, Kulithalai.



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4. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7 and exhibited 10 documents as Ex.P.1 to Ex.P.10. The accused have adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the judgment dated 23.11.2022 convicting the petitioners for the offences under Sections 341 and 326 IPC and sentenced them to undergo simple imprisonment for 2 years and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for 1 week for the offence under Section 326 IPC and to undergo simple imprisonment for 1 week for the offence under Section 341 IPC and that the above sentences were ordered to be run concurrently.

6. Challenging the above said conviction and sentence, the petitioners have filed an appeal in CrI.A.No.158 of 2022 on the file of the Principal District Court, Karur. The learned Principal District Judge, while partly allowing the appeal, has modified the conviction from under Section 326 IPC to Section 324 IPC and sentenced them to undergo 18 months Simple Imprisonment and confirmed the fine amount and



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conviction under Section 341 IPC. Being dissatisfied with the dismissal of the appeal, the petitioners have preferred the present Criminal Revision Case along with the above miscellaneous petitions.

7. Admittedly, after filing the suspension of sentence petition, the petitioners surrendered before the trial Court on 14.02.2025 and are in custody till now.

8. The learned counsel appearing for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

9. The learned Government Advocate (Criminal Side) appearing for the respondent has filed a counter affidavit raising objections to suspend the sentence and would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

10. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



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11. The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also 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 and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

12. In the result, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.1574 of 2025 is **ordered**. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Kulithalai;

(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 trial Court once in a month i.e., on the first working day of every English calendar month at **10.30 a.m., until further orders** and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 355 B.N.S.S. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

13. Since the petitioners have already surrendered, the petition in CrI.M.P.(MD)No.1575 of 2025 is dismissed.

Sd/-  
11/03/2025

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/03/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

csm  
TO

1 THE PRINCIPAL DISTRICT JUDGE,  
KARUR.

2 THE JUDICIAL MAGISTRATE NO.II,  
KULITHALAI

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



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3 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE  
KARUR DISTRICT.

4 THE INSPECTOR OF POLICE,  
KULITHALAI POLICE STATION,  
KARUR DISTRICT.

5 THE SUPERINTENDENT  
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.SURESH, Advocate ( SR-2617[I] dated 11/03/2025 )

ORDER IN  
CRL MP(MD) Nos.1574 and 1575 of 2025  
in

CRL RC(MD) No.151 of 2025  
Date :11/03/2025

ES/VR/SAR/12.03.2025/7P/8C

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