



CRL MP(MD) NO. 1517 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.08.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 1517 of 2025
IN
CRL RC(MD) NO. 145 of 2025

Raja @ Pandiaraja

... Petitioner

Vs.

State of Tamilnadu,
Rep. by the Inspector of Police,
Varusanadu Police Station,
Theni District.
(Crime No.104 of 2016)

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the sentence passed in CrI.A.No.27 of 2018 dated 04.11.2024 on the file of the learned Additional District Fast Track Court, Theni, confirming the judgment passed in S.C.No.167 of 2016 dated 16.03.2018 on the file of the learned Assistant Sessions Court, Theni.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in CrI.A.No.27 of 2018 dated 04.11.2024 on the file of the learned Additional District Fast Track Court, Theni, confirming the judgment passed in S.C.No.167 of 2016 dated 16.03.2018 on the file of the learned Assistant Sessions Court, Theni.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 16.03.2018 for the offenses under Section 452 and 326 of IPC, and the trial Court sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/-, in default, to undergo two months rigorous imprisonment under Section 452 of IPC and he was further sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months rigorous imprisonment under Section 326 of IPC in S.C.No.167 of 2016 on the file of the learned Assistant Sessions Court, Theni.

3. The learned Additional District Fast Track Court, Theni, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.27 of 2018, dated 04.11.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition



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seeking suspension of sentence.

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4. The learned counsel for the petitioner 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.

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

6. 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 and as such, and also considering the fact that the petitioner is the family men and they have good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :



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(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 Assistant Sessions Court, Theni;

(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 petitioner shall appear before the learned Assistant Sessions Court, Theni, on all working days at 10.30 a.m., until further orders.

sd/-
28/08/2025

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29/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

sml
TO

1.The Additional District Judge, Fast Track Court, Theni.

2.The Assistant Sessions Judge, Theni.

3.The Superintendent, Central Prison, Theni.

4.The Inspector of Police, Varusanadu Police Station, Theni District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-9290[I] dated 28/08/2025)



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Date :28/08/2025

HPS/29.08.2025 5P/7C

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