



CRL MP(MD) NO. 1369 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. 1369 of 2025
IN
CRL RC(MD) NO. 131 of 2025

Thamaraikannan @ Thamarai
S/o. Subramaniyan, Appanur, Kadaladi,
Ramanathapuram District.

...Petitioner

Vs

The State of Tamilnadu
Rep. by The Inspector of Police, Kadaladi Police Station,
Ramanathapuram District.
Crime No. 111/2019.

...Respondent

For Petitioner:

Mr.K.Dinesh, 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 by the learned District Munsif cum Judicial Magistrate, Kadaladi in S.T.C.No.262 of 2019, dated 18.03.2024, which was confirmed



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in Criminal Appeal No.22 of 2024, dated 05.11.2024, by the learned Principal District and Sessions Judge, Ramanathapuram pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.131 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.111 of 2019, came to be registered by the respondent police as against the accused for the offence under Sections 341, 294(b), 323, 353 and 506(i) of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in S.T.C.No.262 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 18.03.2024, and the trial Court sentenced the petitioner to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of two weeks for the offence under Section 341 of IPC, and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence



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under Section 294(b) of IPC, and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 323 of IPC, and to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 353 of IPC, and to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 506(i) of IPC, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.22 of 2024 on the file of the learned Principal District and Sessions Judge, Ramanathapuram. By a judgment, dated 05.11.2024, the learned Principal District and Sessions Judge, Ramanathapuram, 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.



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6. It is submitted by the learned counsel for the petitioner 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.

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.



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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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kadaladi;

(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 District Munsif cum Judicial Magistrate, Kadaladi 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.

mkkn

TO

1.THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

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



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- 2.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, KADALADI;
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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
4. THE INSPECTOR OF POLICE, KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.DINESH, Advocate (SR-1165[I] dated 30/01/2025)

ORDER
IN
CRL MP(MD) NO. 1369 of 2025
IN
CRL RC(MD) NO. 131 of 2025
Date :30/01/2025

RK/VR (10/02/2025) 6P / 7C

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