



CRL RC(MD) No.241 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.04.2025

Pronounced on : 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.2518 and 2520 of 2025
in

CRL RC(MD) No.241 of 2025

Sakthivel

Petitioner in
both the petitions

Vs

State of Tamilnadu rep. by
The Sub Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.160 of 2016)

Respondent in
both the petitions

For Petitioner : Mr.S.Muniyandi, Advocate

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

Prayer in CRL MP(MD).2518 of 2025 :

This Criminal Miscellaneous Petition filed under Section 430(i) BNSS praying to suspend the sentence imposed upon the petitioner in judgment passed by the Principal District and Sessions Judge, Sivagangai in C.A.No.8 of 2024 dated 19.11.2024 confirmed the conviction on the petitioner by the learned Judicial Magistrate, Karaikudi in C.C.No.634 of 2022 (old C.C.No.65 of 2017) dated 12.02.2024 pending disposal of the criminal revision petition.



CRL RC(MD) No.241 of 2025

Prayer in CRL MP(MD).2520 of 2025 :

This Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. praying to exempt the petitioner from surrendering on the basis of the judgment passed by the Principal District and Sessions Judge, Sivagangai in C.A.No.8 of 2024 dated 19.11.2024 confirmed the conviction on the petitioner by the learned Judicial Magistrate, Karaikudi in C.C.No.634 of 2022 (old C.C.No.65 of 2017) dated 12.02.2024 pending disposal of the criminal revision petition.

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the petitioner/sole accused by the learned Judicial Magistrate, Karaikudi, in C.C.No.634 of 2022, dated 12.02.2024, which was confirmed by the learned Principal District Judge, Sivagangai, in Crl.A.No.8 of 2024, vide judgment dated 19.11.2024, 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 the petitioner, who was working as an office attender in Tamil Nadu Chemical Company, had stolen gold jewels and silver articles, which were kept in the office bero and on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.160 of 2016 on 26.11.2016 for the offence under Section 381 IPC.

3. The respondent police, after completing the investigation, has filed the final report against the petitioner for the offence under Section 381 IPC and the case was taken on file in C.C.No.634 of 2022 (old C.C.No.65 of 2017) on the file of the Judicial



CRL RC(MD) No.241 of 2025

Magistrate, Karaikudi.

WEB COPY

4. During trial, the prosecution has examined 9 witnesses as P.W.1 to P.W.9 and exhibited 10 documents as Ex.P.1 to Ex.P.10. The accused has 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 a judgment dated 12.02.2024 finding the petitioner guilty for the offence under Section 381 IPC and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for two weeks.

6. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.8 of 2024 on the file of the Principal District Court, Sivagangai. The learned Principal District Judge, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

7. Admittedly, pending revision, the petitioner voluntarily surrendered before the trial Court on 03.03.2025 and is in custody till now.

8. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in



CRL RC(MD) No.241 of 2025

material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

WEB COPY

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 petitioner and hence, he strongly opposed to grant suspension of sentence.

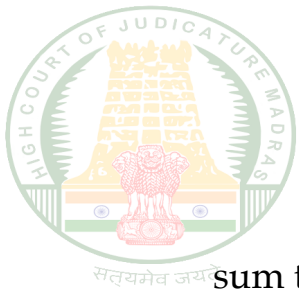
10. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

11. The learned counsel appearing for the petitioner 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

12. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.2518 of 2025 is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(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



CRL RC(MD) No.241 of 2025

WEB COPY

sum to the satisfaction of the Judicial Magistrate, Karaikudi;

(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 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 he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

13. Since the petitioner has already surrendered, the petition in Crl.M.P.(MD) No.2520 of 2025 is dismissed.

sd/-
30/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE,
KARAIKUDI.



CRL RC(MD) No.241 of 2025

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-5226[I] dated 30/04/2025)

ORDER
IN
CRL MP(MD) Nos.2518 and 2520 of 2025
in
CRL RC(MD) No.241 of 2025
Date :30/04/2025

SA/SAR. /30.04.2025/6P/7C

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