



CRL MP(MD) No.1829 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.1829 of 2025
in CRL RC(MD) NO.180 of 2025

Kartheeswaran @ Dinesh

Petitioner

Vs

Rahini @ Ishwarya

Respondent

For Petitioner :

Mr.G.Vishnuram, Advocate

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner by the learned Judicial Magistrate, Uthamapalayam, in S.T.C.No.2190 of 2023, dated 04.02.2025.

2. It is evident from the records that the petitioner and the respondent are husband and wife, that the respondent has filed a complaint invoking the provisions of Domestic Violence Act against the petitioner and one Mallika in D.V.C.No.19 of 2021, that the learned Judicial Magistrate, after enquiry, has passed an order dated 07.08.2023, directing the petitioner to pay Rs.15,000/- to the respondent as monthly



CRL MP(MD) No.1829 of 2025

WEB COPY

maintenance from the date of petition and also to pay compensation of Rs.5,00,000/- to the respondent, that against the said order, the petitioner has preferred an appeal in Crl.A.No.117 of 2023, that the learned Sessions Judge has partly allowed the appeal by directing the petitioner to pay Rs.10,000/- to the respondent as monthly maintenance and to pay compensation of Rs.3,00,000/-, that thereafter the respondent preferred a complaint under Section 31 of the DV Act stating that the petitioner did not pay the monthly maintenance amount and the same was taken on file in S.T.C.No.2190 of 2023 and that the learned Judicial Magistrate, after enquiry, has convicted the petitioner under Section 31 of DV Act and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo one month simple imprisonment. Challenging the said conviction, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

3. When the matter was taken up for hearing on 13.02.2025, this Court, considering the submission made by the learned counsel appearing for the petitioner that the petitioner is ready to deposit 50% of arrears of maintenance amount pending as of now, on that day itself and to deposit the remaining amount of arrears within one month after his release, directed the petitioner to deposit 50% of the arrears amount pending as of now on 13.02.2025. In pursuance of the said direction, the



CRL MP(MD) No.1829 of 2025

petitioner has deposited the said amount and also filed a memo dated 14.02.2025 to that effect along with the receipt.

4. The learned counsel appearing for the petitioner would submit that the petitioner is in prison from 04.02.2025.

5. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available on record.

6. 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.

7. In the result, the Criminal Miscellaneous Petition 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
sum to the satisfaction of the learned Judicial Magistrate,



CRL MP(MD) No.1829 of 2025

WEB COPY

Uthamapalayam;

(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 317 Cr.P.C 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.

8. The petitioner, after coming out on bail, is directed to deposit the remaining arrears amount within a period of one month from the date of his release to the credit of S.T.C.No.2190 of 2023, before the Judicial Magistrate, Uthamapalayam.

9. Post the matter after one month under the caption 'for reporting compliance'.

sd/-
14/02/2025

/ TRUE COPY /

14/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.1829 of 2025

CSM

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THENI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1 CC to M/s.G.VISHNURAM, Advocate (SR-1669[I] dated 14/02/2025)

ORDER

IN

CRL MP(MD) No.1829 of 2025

IN

CRL RC(MD) No.180 of 2025

Date :14/02/2025

SA/SAR. /14.02.2025/5P/6C

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