



CRL MP(MD) No. 2005 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.2005 of 2025

in

CRL RC(MD) No.198 OF 2025

Sivaraja
S/o Chellathurai,
C.S.I Church street, Kurukkalmadam,
Kanyakumari District.

: Petitioner

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Aralvaimozhi Police station,
Kanyakumari District.
Crime No. 77/2016

: Respondent

For Petitioner(s): Mr.V.Balaji Rajaram
For Respondent(s): Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Additional District and Sessions Court, (Fast Track), Nagercoil in C.A.No.79 of 2022 vide judgment, dated 21.12.2024 confirming the order of the learned District Munsif cum Judicial Magistrate Court , Boothapandy, in C.C.No.160 of 2016, vide judgment dated 14.07.2023 pending the disposal of the criminal revision.

2. The case of the prosecution is that there existed dispute between petitioner's

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CRL MP(MD) No. 2005 of 2025

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wife and the defacto complainant for taking water in common tap, due to that motive, the petitioner abused the defacto complainant in filthy language and also attacked her with iron rod and caused injuries. A case was registered in Crime No.77 of 2016 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.160 of 2016 on the file of the learned District Munsif cum Judicial Magistrate Court, Boothapandy. After trial, the petitioner was convicted by the trial Court for the offence under Section 323 IPC and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment; for the offence under Section 4 of TNPHW Act sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo two months simple imprisonment and acquitted him for the offence under Sections 294(b) and 506(ii) IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in C.A.No.79 of 2023 on the file of the Additional District and Sessions Court, (Fast Track), Nagercoil. The learned Sessions Judge, Nagercoil, confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner would submit that there are



CRL MP(MD) No. 2005 of 2025

several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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4.The learned Government Advocate (Criminal Side) appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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 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. 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 District Munsif cum Judicial Magistrate, Boothapandy ;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the



CRL MP(MD) No. 2005 of 2025

surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass

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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 of 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. Consequently, Crl.M.P(MD)No.2006 of 2025, is dismissed.

sd/-

26/02/2025

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/03/2025

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

das

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK),
NAGERCOIL.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, BOOTHAPANDY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE, ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.



CRL MP(MD) No. 2005 of 2025

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

+1 CC to M/s.V.BALAJI RAJARAM, Advocate (SR-2152[I] dated 26/02/2025)

ORDER

IN

CRL MP(MD) No.2005 of 2025

in

CRL RC(MD) No.198 OF 2025

Date :26/02/2025

RS/VR/SAR-(12.03.2025) 5P 7C

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