



in CRL RC(MD) No. 208 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos. 2133 & 2134 of 2025

in CRL RC(MD) No. 208 of 2025

Gnanavel

S/o Ramasamy, Nadukudirrippu,

Kontraikadu, Peravurani Taluk, Thanjavur District.

Petitioner

in both the petitions

Vs.

The State of Tamil Nadu

Rep by The Inspector of Police, Peravurani Police station,

Thanjavur District. Crime No. 244/2017

Respondent(s)

in both the petitions

(in both the petitions)

For Petitioner :

Mr.G.Karnan

For Respondent :

Mr.B.Thanga Aravindh,

Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence on imprisonment imposed in CrI.A.No.77 of 2023 on the file of the III Additional District and Sessions Court, Thanjavur @ Pattukkottai, dated 18.12.2024, confirming the conviction and sentences passed in C.C.No.20 of 2022 on the file of the District



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Munsif cum Judicial Magistrate, Peravurani, dated 16.02.2022 pending the disposal of the criminal revision.

2. The case of the prosecution is that due to previous enmity between the parties, on 30.09.2017, the accused persons trespassed into the defacto complainant's house, abused his mother-in-law in filthy language, when the same was questioned by the defacto complainant and his wife, the accused persons attacked them with iron rod and also threatened them with dire consequences. A case was registered in Crime No.244 of 2017 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.20 of 2022 on the file of the District Munsif cum Judicial Magistrate, Peravurani. After trial, the petitioner was convicted by the trial Court for the offence under Section 448 of IPC and imposed a fine of Rs.1,000/- in default to undergo one month simple imprisonment; for the offence under Section 326 of IPC sentenced him to undergo one year Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment and 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 three months simple imprisonment. Against the conviction and sentence imposed by the trial

Court, the petitioner has filed an appeal in CrI.A.No.77 of 2023 on the file of the III



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Additional District and Sessions Judge, Thanjavur, Pattukkottai. The appellate Court dismissed the appeal by confirming the conviction and the sentence imposed by the trial Court. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the Criminal Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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.



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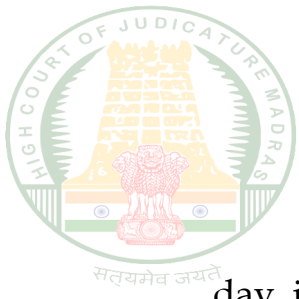
The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension 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, Peravurani ;

(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 of Cr.P.C and shall appear before the trial Court on any other



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day in lieu of the date of his absence, as directed by the trial Court.

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Consequently, Crl.M.P.(MD)No.2134 of 2025, dismissed.

sd/-

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/02/2025

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

DAS

TO

- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
THANJAVUR AT PATTUKKOTTAI.
 - 2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAVURANI.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 4 THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.G.KARNAN, Advocate (SR-1874[I] dated 20/02/2025)



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Date :20/02/2025

SS/VR/SAR- /27/02/2025/ 6P/7C

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