

CRL RC(MD) No.235 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.04.2025

Pronounced on : 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.2464 and 2466 of 2025  
in

CRL RC(MD) No.235 of 2025

1.Sebastian Raja  
2.Ready  
3.Arulandhu  
4.Fleming Raj  
5.Yesuraj  
6.John

Petitioners in  
both the petitions

Vs

The State of Tamil Nadu, rep. by  
The Inspector of Police,  
Arimalam Police Station,  
Pudukkottai District.  
(Crime No.76 of 2012)

Respondent in  
both the petitions

(in both the petitions)

For Petitioners : Mr.D.Ramesh Kumar, Advocate

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



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Prayer in CRL MP(MD).2464 of 2025 :

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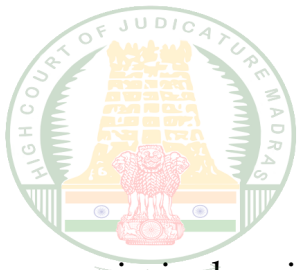
This Criminal Miscellaneous Petition filed under Section 438 B.N.S.S. praying to suspend the sentence of imprisonment and sentence imposed in Crl.A.No.52 of 2022 on the file of the Additional District and Sessions Judge, Pudukkottai dated 25.09.2024 by confirming the conviction and sentence imposed in C.C.No.41 of 2022 on the file of the Judicial Magistrate Court No.I, Pudukkottai, dated 21.09.2022, pending disposal of the criminal revision.

Prayer in CRL MP(MD).2466 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 B.N.S.S. praying to exempt the petitioners from surrender in pursuance to the judgment dated 25.09.2024 made in Crl.A.No.52 of 2022 on the file of the Additional District and Sessions Judge, Pudukkottai by confirming the conviction and sentence imposed in C.C.No.41 of 2022 on the file of the Judicial Magistrate Court No.I, Pudukkottai, dated 21.09.2022.

### COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the petitioners/accused 1 to 6 by the learned Judicial Magistrate No.1, Pudukkottai, in C.C.No.41 of 2022, dated 21.09.2022, which was confirmed by the learned Additional District and Sessions Judge, Pudukkottai, in Crl.A.No.52 of 2022, vide judgment dated 25.09.2024, pending disposal of the



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criminal revision and (ii) to exempt the petitioners to surrender before the trial Court.

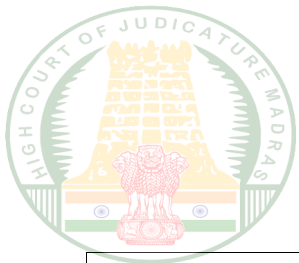
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2. The case of the prosecution is that due to previous enmity, on 25.06.2012 at about 09.30 p.m., the petitioners had unlawfully assembled in front of the defacto complainant's house and attacked him by using iron rod and also caused criminal intimidation and on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.76 of 2012.

3. The respondent police, after completing the investigation, has filed the final report against the petitioners and the case was taken on file in C.C.No.41 of 2022 on the file of the Judicial Magistrate No.1, Pudukkottai.

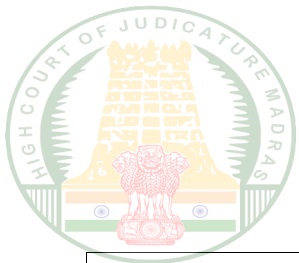
4. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11, exhibited 14 documents as Ex.P.1 to Ex.P.14 and marked 5 material objects as P.M.O.1 to P.M.O.5. The accused have adduced neither oral nor documentary evidence.

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 21.09.2022 convicting the petitioners and sentenced them as follows:-



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| Accused                             | Section               | Sentence                                                                                                                    |
|-------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| A1-Sebastian Raja<br>A4-Fleming Raj | under Section 148 IPC | to undergo 3 years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment |
|                                     | under Section 326 IPC | to undergo 3 years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment |
|                                     |                       | to pay compensation of Rs.25,000/- to P.W.1 and P.W.2 respectively, in default, to undergo 3 months Simple Imprisonment     |
| A2-Ready                            | under Section 148 IPC | to undergo 3 years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment |
|                                     | under Section 323 IPC | to undergo 1 year Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment  |
|                                     | under Section 325 IPC | to undergo 3 years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment |
|                                     |                       | to pay compensation of Rs.25,000/- to P.W.2, in default, to undergo 3 months Simple Imprisonment                            |



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| Accused               | Section                                            | Sentence                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A3-Arulandhu          | under Section 148 IPC                              | to undergo 3 years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment                                                                                                                                   |
| A5-Yesuraj<br>A6-John | under Section 148 IPC<br><br>under Section 427 IPC | to undergo 3 years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment<br><br>to undergo 1 year Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment |

Further ordered that above the sentences of imprisonment to run concurrently. Challenging the said judgment of conviction and sentence, the petitioners have preferred an appeal in CrI.A.No.52 of 2022 on the file of the Additional District and Sessions Court, Pudukkottai. The learned Sessions Judge, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioners have preferred the present Criminal Revision Case along with the above miscellaneous petitions.



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6. Admittedly, pending revision, the petitioners surrendered before the trial Court on 07.03.2025 and are in custody till now.

7. The learned counsel appearing for the petitioners 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.

8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners 2 and 6 are having one previous case and that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

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

10. The learned counsel appearing for the petitioners 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



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in the near future and as such, this Court is of the considered view that the petitioners  
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herein are entitled to the relief of grant of suspension of sentence.

11. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.2464 of 2025 is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.1, Pudukkottai;

(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 petitioners 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.



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12. Since the petitioners have already surrendered, the petition in CrI.M.P.(MD) No.2466 of 2025 is dismissed.

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

CSM  
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE NO.I,  
PUDUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, PUDUKKOTTAI DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE,  
ARIMALAM POLICE STATION,  
PUDUKKOTTAI DISTRICT.

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



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ORDER  
IN  
CRL MP(MD) Nos.2464 and 2466 of 2025  
in CRL RC(MD) No.235 of 2025  
Date :30/04/2025

SA/SAR. /30.04.2025/9P/7C

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