



CRL MP(MD) No.3149 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.04.2025

Pronounced on : 09.04.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.3149 of 2025

in

CRL RC(MD) No.15 of 2025

K.Sankar

Petitioner

Vs

State of Tamil Nadu rep. by,
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.1047 of 2020)

Respondent

For Petitioner : Mr.K.M.Karunakaran, Advocate

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

The Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence imposed by judgment made in C.A.No.73 of 2024 passed by the learned Principal District Judge, Karur dated 22.07.2024 in confirming the order of the conviction and sentence dated 18.10.2023 in C.C.No.201 of 2020 on the file of the learned Judicial Magistrate No.1, Karur.

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the sentence of



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imprisonment imposed on the petitioner/sole accused by the learned Judicial
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Magistrate No.I, Karur, in C.C.No.201 of 2020, dated 18.10.2023, which was confirmed by the learned Principal District Judge, Karur, in Crl.A.No.73 of 2024, vide judgment dated 22.07.2024, pending disposal of the criminal revision.

2. The case of the prosecution is that the petitioner had snatched the gold chain of the defacto complainant and on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.1047 of 2020.

3. The respondent police, after completing the investigation, has filed the final report against the petitioner for the offence under Section 392 IPC and the case was taken on file in C.C.No.201 of 2020 on the file of the Judicial Magistrate No.I, Karur.

4. During trial, the prosecution has examined 6 witnesses as P.W.1 to P.W.6, exhibited 12 documents as Ex.P.1 to Ex.P.12 and marked 1 material object as M.O.1. 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 the judgment dated 18.10.2023 convicting the petitioner for the offence under Section 392 IPC and sentenced him to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for 1 month.

6. Challenging the above said conviction and sentence, the petitioner has



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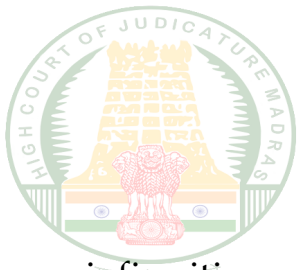
preferred an appeal in Crl.A.No.73 of 2024 on the file of the Principal District Court, Karur. The learned District Judge confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

7. The learned counsel appearing for the petitioner would submit that the petitioner is in jail from 15.05.2023 and that the petitioner has paid the fine amount. He would further 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 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. However, he would admit that the petitioner is not having any previous cases and that the property has been recovered.

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 petitioner pointed out that certain

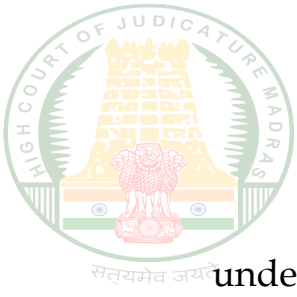


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infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up 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.

11. 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 Judicial Magistrate No.I, Karur;
- (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



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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.

sd/-
09/04/2025

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09/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE PRINCIPAL DISTRICT JUDGE,
KARUR.

2 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

5 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-4184[I] dated 09/04/2025)



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ORDER IN
CRL MP(MD) No.3149 of 2025
in CRL RC(MD) No.15 of 2025
Date :09/04/2025

SA/SAR. /09.04.2025/6P/8C

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