



in CRL RC(MD) No. 489 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos. 5029 & 5030 of 2025

in CRL RC(MD) No. 489 of 2025

1.Parasuraman

2.Chellaperumal

Petitioners

Vs

The State of Tamilnadu
Rep by The Inspector of Police, Suchindram Police Station,
Kanniyakumari District. Crime No.553/2013.

Respondent

Prayer in CRL MP(MD) No. 5029 of 2025 : Criminal Miscellaneous Petition filed under Section 438(1) of BNSS., seeking orders to suspend the sentence passed against the petitioners in C.A.No.10 of 2022, dated 16.12.2024 on the file of the learned Additional District and Sessions Judge (FTC) Nagercoil, confirming the order of the learned Judicial Magistrate No.III, Nagercoil made in C.C.No.142 of 2014, dated 03.03.2022.

Prayer in CRL MP(MD) No. 5030 of 2025 : Criminal Miscellaneous Petition filed under Section 528 of BNSS., seeking order of exemption from surrender in C.A. No.10 of 2022, dated 16.12.2024 on the file of the learned Additional District and Sessions Judge (FTC) Nagercoil, confirming the order of the learned Judicial Magistrate No.III, Nagercoil made in C.C.No.142 of 2014, dated 03.03.2022.

For Petitioners : Mr.H.Elango

For Respondent : Mrs.M.Aasha,
Government Advocate (Criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the learned Judicial Magistrate No.III, Nagercoil in C.C.No.142 of 2014, dated 03.03.2022, which was confirmed by the learned Additional District and Sessions Judge (Fast Track Court) Nagercoil, Kanniyakumari District, in C.A.No.10 of 2022, dated 16.12.2024.

2.The case of the prosecution is that during marriage function, the first petitioner abused the defacto complainant in filthy language; that when the same was questioned by the defacto complainant, the petitioners attacked him and caused injury in his right eye and nose and also threatened him with dire consequences. A case was registered in Crime No.553 of 2013 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.142 of 2014 on the file of the learned Judicial Magistrate No.III, Nagercoil. After trial, the petitioners were convicted by the trial Court for the offence under Section 325 IPC and sentenced them to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo one month simple imprisonment and acquitted them 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.10 of 2022



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on the file of the Additional District and Sessions Court (Fast Track) Nagercoil. The
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appellate Court confirmed the conviction and the sentence imposed by the trial
Court and dismissed the appeal. Aggrieved by the said dismissal, 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 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.

4. The learned Government Advocate (Criminal Side) appearing for the State would
submit that there are enough materials available on record against the petitioners
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 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 in the near future and as such, this Court is of the considered view that the
petitioners herein are entitled to the relief of grant of suspension of sentence.



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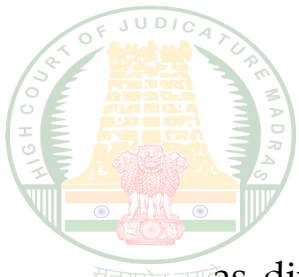
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7. In the result, Crl.M.P.N.5029 of 2025, is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions-

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

(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 he is not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 355 of BNSS (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,



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as directed by the trial Court. Consequently, Crl.M.P.(MD)No.5030 of
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sd/-
16/04/2025

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/04/2025
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 (FTC) Nagercoil.
- 2 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.
- 3 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4.The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) Nos. 5029 & 5030 of 2025
in CRL RC(MD) No. 489 of 2025
Date :16/04/2025

MK/SAR /24.04.2025 5P/6C

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