



Crl.M.P.(MD)No.2785 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.2785 of 2025

in Crl.A.(MD)No.349 of 2024

Kannan @ Gundu Kannan,  
S/o.Murugesu Thevar,  
Poonthotta Theru,  
Thaalaiyoothu,  
Tirunelveli District.

Petitioner(s)

versus

The State through  
The Inspector of Police,  
Panagudi Police Station,  
Tirunelveli District.

Respondent(s)

For Petitioner(s):

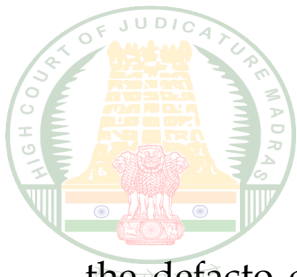
Mr.C.M.Arumugam  
Advocate

For Respondent(s):

Mr.P.Kottaichamy,  
Government Advocate (Crl. Side)

### ORDER

The petitioner is the 1<sup>st</sup> accused in S.C.No.353 of 2013 on the file of the learned Assistant Sessions Judge, Valliyoor, Tirunelveli. He was tried along with two other accused for the offence under Sections 454 and 397 IPC that they have trespassed into



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the defacto complainant's house and also attacked her with Aruval and stolen the gold chain. After the trial, the Trial Court, by its Judgment dated 25.08.2023, found the petitioner guilty for the offence under Sections 454 and 397 IPC and convicted and sentenced him as follows:

(i) for the offence under Section 454 IPC, to undergo three years rigorous imprisonment and to pay a fine of Rs.500/-.

(ii) for the offence under Section 397 IPC, to undergo seven years rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo three months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.349 of 2024 and the same has been admitted by this Court on 22.04.2024. The petitioner has also moved this petition to suspend the sentence imposed by the trial Court.

2. This is the 4<sup>th</sup> petition filed by the petitioner to suspend the sentence imposed by the trial Court. The earlier petitions filed by the petitioner were dismissed by this Court. There is no change in circumstances after the dismissal of the earlier petitions. Apart from that, the petitioner is also having six previous cases to his credit.

3. Considering the nature of offence, antecedent of the petitioner and also considering the fact that there is no change in circumstances after the dismissal of the



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earlier petitions, this Court is not inclined to grant suspension of sentence to the  
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petitioner. Accordingly, this Criminal Miscellaneous Petition is dismissed.

4. Since it is reported that the petitioner is in jail for more than 1 ½ years and the petitions filed by the petitioner to grant suspension of sentence were repeatedly dismissed by this Court, the Registry is directed to list the main appeal for final disposal in the last week of April 2025.

sd/-  
04/04/2025

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/04/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

OGY  
TO

1 THE ASSISTANT SESSIONS JUDGE,  
VALLIYOOR, TIRUNELVELI DISTRICT.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,  
PANAGUDI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.M.ARUMUGAM, Advocate ( SR-3986[I] dated 07/04/2025 )



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ORDER  
IN  
Crl.M.P.(MD)No.2785 of 2025  
in Crl.A.(MD)No.349 of 2024  
Date :04/04/2025

SA/SAR. /16.04.2025/4P/6C

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