



CRL MP(MD) No.3004 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.3004 of 2025

in

CRL RC(MD) No.295 of 2025

Thangadurai

Petitioner/ Appellant/
Accused No.1

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Mayanur Police Station,
Karur District.
(Crime No.5/2015)

... Respondent/Respondent/
Complainant

For Petitioner: Mr.M.Suresh, Advocate

For Respondent: Mr.M.Sakthikumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).3004 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S.



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praying to suspend the sentence passed by the Principal District Judge, Karur in Crl.A.No.113 of 2022, dated 15.04.2024 by modifying the conviction and sentence passed in C.C.No.32 of 2021, dated 21.09.2022 on the file of the District Munsif cum Judicial magistrate, Krishnarayapuram, Karur District and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the Principal District Judge, Karur in Crl.A.No.113 of 2022, dated 15.04.2024 by modifying the conviction and sentence passed in C.C.No.32 of 2021, dated 21.09.2022 on the file of the District Munsif cum Judicial magistrate, Krishnarayapuram, Karur District and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

2. The case of the prosecution is that on 06.01.2015 at about 19.00 hrs, due to previous motive between PW1 and PW2 and the accused persons, A1 and A4 uttered a ballad word toward PW1 and his wife PW2. Thereafter, A1 used a sickle to cut injury on the PW1's right side of the forehead and again, A1 used the same sickle to cut injury on the centre of the PW2's head. A2 used an iron rod to beat the PW1's left hand. A1 and A2 threatened to cause her death. A3 used the stick to beat the PW2 and thereby A3 pushed her down. A4 used her legs to kick the PW2's spine. Based on PW1's complaint, FIR came to be registered in Crime No.5 of 2015.



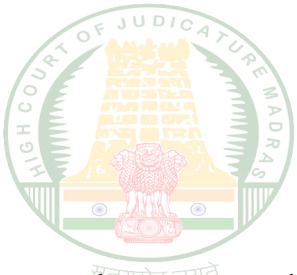
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3. The respondent police, after completing the investigation, has filed the final reports under Sections 294(b), 324, 326, 323 and 506(ii) of IPC against A1 to A4 and the case was taken on file in C.C.No.32 of 2021 and the same was pending on the file of the District Munsif cum Judicial Magistrate, Krishnarayapuram.

4. During trial, the prosecution has examined 8 witnesses as P.W.1 to P.W.8 and exhibited 14 documents as Ex.P.1 to Ex.P.14. 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 petitioner/accused no.1 for the offence under Section 326 and sentenced him to undergo 36 months rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment, and for the offence under Section 324 and sentenced him to undergo 30 months rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.113 of 2022 on the file of



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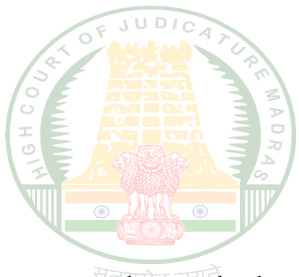
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the Principal District Judge, Karur. The learned Principal District Judge, Karur, has modified the order of the trial Court for the conviction from u/2 326 of IPC into 324 of IPC and the conviction and sentence awarded by the trial Court to undergo for the period of 36 months rigorous imprisonment with fine amount of Rs.10,000/- is altered and A1 is convicted for the offence under Section 324 of IPC and sentenced to undergo for the period of 30 months with fine amount of Rs.10,000/-. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. 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.

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

8. This Court has carefully considered the rival contentions putforth by either



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side and also perused the materials available on record.

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9. The learned counsel appearing for the petitioner 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 these 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 are entitled to the relief of grant of suspension of sentence.

10. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

- (i) the petitioner is directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Krishnarayapuram;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of



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their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) the petitioner shall appear before the trial Court at 10.30 a.m.

once in a week until further orders.

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-
06/06/2025

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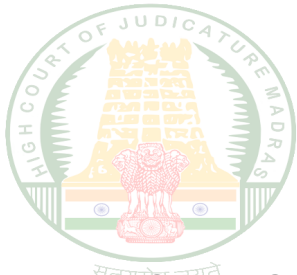
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG

TO

1.THE PRINCIPAL DISTRICT JUDGE,
KARUR.

2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KRISHNARAYAPURAM, KARUR DISTRICT.



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3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4.THE INSPECTOR OF POLICE,
MAYANUR POLICE STATION,
KARUR DISTRICT.

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

ORDER
IN

CRL MP(MD) No.3004 of 2025
Date :06/06/2025

PR/12.06 .2025 7P/6C

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