



Crl.MP(MD) No.3316 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.3316 of 2025

in

Crl.A(MD) No.953 of 2024

Ramesh

... Petitioner/ Appellant

Vs.

State of Tamil Nadu,  
Rep by the Inspector of Police,  
Kottar Police Station,  
Kanyakumari District.  
Crime No.72/2017

... Respondent/ Respondent

For Petitioner : Mr.C.Mayil Vahana Rajendran,  
Advocate

For Respondent : Mr.A.S.Abdul Kalam Azad  
Government Advocate (Crl Side)



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## ORDER

The petitioner, an accused in S.C.No.22 of 2018, on the file of the Fast Track Mahila Court, Nagercoil, Kanyakumari was found guilty by the trial Court and he was convicted and sentenced as under:-

| Sl.No | Sections    | Punishment                    | Fine amount | Default                      |
|-------|-------------|-------------------------------|-------------|------------------------------|
| 1.    | 307 IPC     | 7 years Rigorous imprisonment | Rs.100/-    | 3 months simple imprisonment |
| 2.    | 506(ii) IPC | 2 years Rigorous Imprisonment | -           | -                            |

As against the conviction and sentence imposed by the trial Court in S.C.No.22 of 2018, dated 27.09.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.953 of 2024 and the same has been admitted by this Court on 08.11.2024. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



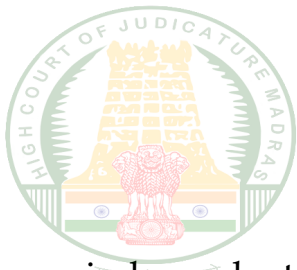
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2.The learned counsel appearing for the petitioner submits that this case itself has been foisted for the purpose of detaining the petitioner under Tamilnadu Act 14 of 1982. According to him, though the case was registered for the offence under Section 307 IPC, there is no injury on the victim and the victim was not even referred to doctor for examination, however, by registering the case, he was detained under Tamilnadu Act 14 of 1982. The petitioner is in jail for more than 20 months.

3.The learned Government Advocate appearing for the respondent submits that this petitioner is A1 in Crime No.36 of 2015, on the file of the respondent police for the offence under Section 302 IPC. The victim, PW1, namely Shanthi in this case is one of the witnesses in Crime No.36 of 2015. On 14.01.2017, the petitioner has repeatedly intimidated the said Shanthi that she should not depose against him in the murder case, which was pending as against him. Therefore, this is not a fit case for grant of suspension of sentence.

4.In reply, the learned counsel for the petitioner by referring to the evidence of PW 1, the sister of the deceased and PW 8, the Investigating Officer submits that the alleged occurrence has been taken place in a busy place, however not even a single



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independent witness was examined that there was an incident as projected by the  
investigating agency. The petitioner was said to have assaulted the victim with  
Aruval and that Aruval was also recovered. However, no injury has been sustained  
by the victim. He further submits that in the murder case, he was convicted by the  
trial Court. Challenging the same, the petitioner has preferred an appeal in Crl.A  
(MD) No.722 of 2023 before the Division Bench of this Court, wherein, suspension of  
sentence has been granted to this petitioner in Crl.MP(MD) No.10697 of 2024, dated  
02.12.2024.

5.This Court considered the rival submissions made and also perused the  
materials placed on record.

6.Admittedly, the petitioner is detained under Tamilnadu Act 14 of 1982. The  
petitioner has raised certain arguable points, which can be considered only during  
the final hearing of the appeal. However the appeal could not be taken up for final  
hearing for want of time. Considering the points raised by the petitioner, his period  
of incarceration and for the reasons that the appeal could not be taken up  
immediately, this Court is inclined to suspend the sentence imposed on the  
petitioner.



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7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for 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.II, Nagercoil and on further condition that the petitioner shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, Madurai, daily at 10.30 a.m., till the disposal of the appeal, except the day, in which, he has to appear before the Judicial Magistrate No.II, Nagercoil, for complying with the condition.

Sd/-  
13/03/2025

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/03/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

vrn



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TO  
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- 1 THE JUDGE,  
FAST TRACK MAHILA COURT,  
NAGERCOIL,  
KANYAKUMARI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE NO.II,  
NAGERCOIL
- 3 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE,  
KOTTAR POLICE STATION,  
KANYAKUMARI DISTRICT.
- 5 THE SUPERINDENDENT  
CENTRAL PRISON,  
PALAYAMKOTTAI,  
TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTER OF POLICE  
TALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate ( SR-2738[I] dated  
13/03/2025 )

ORDER IN  
Crl.MP(MD) No.3316 of 2025 in  
Crl.A(MD) No.953 of 2024  
Date :13/03/2025

ES/VR/SAR/17.03.2025/6P/9C

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