



CRL RC(MD) No.368 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 28.04.2025
Pronounced on : 05.06.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.3791 and 3792 of 2025

in

CRL RC(MD) No.368 of 2025

Saleem

Petitioner in
both the petitions

Vs

The State of Tamil Nadu rep. by
The Inspector of Police,
West Police Station,
Kumbakonam.
(Crime No.1273 of 2021)

Respondent in
both the petitions

(in both the petitions)

For Petitioner : Mr.J.Sankara Pandian, Advocate

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



CRL RC(MD) No.368 of 2025

Prayer in CRL MP(MD)No.3791 of 2025 :

WEB COPY This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed on the petitioner by means of a judgment dated 31.01.2025 made in Crl.A.No.75 of 2022 passed by the Additional District and Sessions Judge (Fast Track Court), Kumbakonam confirming the judgment of the learned Judicial Magistrate No.I, Kumbakonam dated 02.09.2022 made in C.C.No.23 of 2022, pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD)No.3792 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 B.N.S.S. praying to exempt the petitioner from being surrendered for undergoing judicial custody in connection with conviction and sentence imposed on him by judgment dated 31.01.2025 made in Crl.A.No.75 of 2022 passed by the Additional District and Sessions Judge (Fast Track Court), Kumbakonam confirming the judgment of the Judicial Magistrate No.I, Kumbakonam dated 02.09.2022 made in C.C.No.23 of 2022, pending disposal of the above criminal revision petition.

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the petitioner/sole accused by the learned Judicial Magistrate No.1, Kumbakonam, in C.C.No.23 of 2022, dated 02.09.2022, which was confirmed by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, in Crl.A.No.75 of 2022, vide judgment dated 31.01.2025, pending disposal of the criminal revision and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the prosecution is that on 16.11.2021 at about 03.30 p.m., when the defacto complainant's mother Chandra aged 78 years was going to a shop near



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to their house, the petitioner, who came there in his two wheeler, went close to the said Chandra and robbed gold chain weighing around 4 sovereigns, which she was wearing and when he tried to flee from the spot, the said Chandra caught hold of him and on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.1273 of 2021.

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.23 of 2022 on the file of the Judicial Magistrate No.1, Kumbakonam.

4. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7, exhibited 7 documents as Ex.P.1 to Ex.P.7 and marked 2 material objects as P.M.O.1 and P.M.O.2. 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 a judgment dated 02.09.2022 finding the petitioner guilty for the offence under Section 392 IPC and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months.



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6. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.75 of 2022 on the file of the Fast Track Court, Kumbakonam. The learned Sessions Judge, by confirming the conviction and sentence, 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 petitions.

7. Admittedly, pending revision, the petitioner voluntarily surrendered before the trial Court on 28.03.2025 and is in custody till now.

8. 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.

9. The learned Government Advocate (Criminal Side) appearing for the respondent 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 case.

10. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



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11. 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 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.

12. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.3791 of 2025 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.1, Kumbakonam;

(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 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.



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13. Since the petitioner has already surrendered, the petition in CrI.M.P.(MD) No.3792 of 2025 is dismissed.

sd/-
05/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

- 1.The Additional District and Sessions Judge,
(Fast Track Court), Kumbakonam.
- 2.The Judicial Magistrate No.1,
Kumbakonam.
- 3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 4.The Superintendent,Central Prison, Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

ORDER IN
CRL MP(MD) Nos.3791 and 3792 of 2025
in

CRL RC(MD) No.368 of 2025
Date :05/06/2025

MK/05.06.2025 6P/6C

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