



CRL MP(MD) No.3906 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.03.2025

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THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.3906 of 2025
in

CRL RC(MD) No.383 of 2025

Muthukumar

Petitioner

Vs

State of Tamilnadu rep. by
The Sub Inspector of Police,
Seethaparpanallur Police Station,
Tenkasi District.
(Crime No.34 of 2016)

Respondent

For Petitioner : Mr.R.J.Karthick, Advocate

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

This Criminal Miscellaneous Petition filed under Section 438(1) BNSS praying to suspend the sentence in Crl.A.No.17 of 2021 dated 29.01.2025 on the file of the Additional District and Sessions Judge, Tenkasi confirming the judgment in C.C.No.1 of 2017 tried by Judicial Magistrate Court, Alangulam dated 27.01.2021 pending disposal of the above petition.



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ORDER

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The above petition has been filed seeking orders to suspend the sentence of imprisonment imposed on the petitioner by the learned Judicial Magistrate, Alangulam, in C.C.No.1 of 2017, dated 27.01.2021, which was modified by the learned Additional District and Sessions Judge(FTC), Tenkasi, in Crl.A.No.17 of 2021, vide judgment dated 29.01.2025 and to enlarge the petitioner on bail pending disposal of the revision.

2. The case of the prosecution is that on 04.04.2016 at about 19.00 hours, the petitioner went to the house of the defacto complainant and abused her in filthy language and when the same was questioned by one Valli and Mariappan, the petitioner assaulted them also and criminally intimidated them and on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.34 of 2016 for the offences under Sections 323, 324 IPC and Section 4 of TNPHW Act.

3. The respondent police, after completing the investigation, has filed the final report against the petitioner and the case was taken on file in C.C.No.1 of 2017 and was pending on the file of the Judicial Magistrate, Alangulam.

4. During trial, the prosecution has examined 9 witnesses as P.W.1 to P.W.9 and exhibited 6 documents as Ex.P.1 to Ex.P.6. The accused has adduced neither oral nor



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documentary evidence.

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5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the judgment dated 27.01.2021 convicting the petitioner for the offences under Sections 323 and 324 IPC and Section 4 of TNPHW Act and sentenced him to undergo simple imprisonment for 3 months for the offence under Section 323 IPC, to undergo simple imprisonment for 1 year for the offence under Section 324 IPC and to undergo simple imprisonment for 1 year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 2 months for the offence under Section 4 of TNPHW Act and that the above sentences were ordered to be run concurrently.

6. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.17 of 2021 on the file of the Additional District and Sessions Court (FTC), Tenkasi. The learned Additional District and Sessions Judge, while partly allowing the appeal, has modified the quantum of sentence and the petitioner was sentenced to undergo simple imprisonment for 1 week for the offence under Section 323 IPC, to undergo simple imprisonment for 3 weeks for the offence under Section 324 IPC and to undergo rigorous imprisonment for 3 months and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 2 months for the offence under Section 4 of TNPHW Act. Being dissatisfied with the dismissal of the



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appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

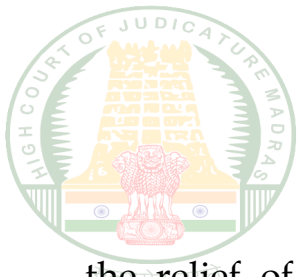
7. The learned counsel appearing for the petitioner would submit that the petitioner is in prison from 29.01.2025 and that the petitioner has paid the fine amount. He would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

8. 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, she strongly opposed to grant suspension of sentence.

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

10. 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.

11. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly,



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the relief of suspension of sentence and bail is granted to the petitioner on the
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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, Alangulam;

(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.

sd/-

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24/03/2025

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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TO
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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
TENKASI.

2 THE JUDICIAL MAGISTRATE,
ALANGULAM.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TENKASI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

5 THE SUB INSPECTOR OF POLICE,
SEETHAPARPANALLUR POLICE STATION, TENKASI DISTRICT.

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

ORDER IN
CRL MP(MD) No.3906 of 2025
IN
CRL RC(MD) No.383 of 2025
Date :24/03/2025

SA/SAR. /24.03.2025/6P/7C

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