



CRL MP(MD) No. 3856 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos. 3856 and 3857 of 2025

in

CRL RC(MD) No. 375 of 2025

Jenkins

Petitioner

Vs

The Inspector of Police,
Boothapandi Police station,
Boothapandi,
Kanniyakumari District,
Crime No. 394/2011.

Respondent

Prayer in CRL MP(MD) No. 3856 of 2025 :

Criminal Miscellaneous Petition filed under Section 438(1) of Cr.P.C., seeking orders to suspend the sentence imposed on the petitioner by the judgment, dated 20.11.2024 passed in C.A.No.6 of 2022 on the file of the Additional District and Sessions Court (Fast Track) Nagercoil, Kanniyakumari District, confirming the judgment, dated 21.12.2021 passed in C.C.No.37 of 2012 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi, Kanniyakumari District and enlarge the petitioner on bail.



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Prayer in CRL RC(MD) No. 375 of 2025 :

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Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to call for the records pertaining to the judgment, dated 20.11.2022 passed in C.A.No.6 of 2022 on the file of the Additional District and Sessions Court (Fast Track) Nagercoil, Kanniyakumari District, confirming the judgment, dated 21.12.2021 passed in C.C.No.37 of 2012 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi, Kanniyakumari District and set aside the same.

For Petitioner : Mr.N.Pragalathan

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned District Munsif cum Judicial Magistrate Court, Boothapandi, Kanniyakumari District in C.C.No.37 of 2012, dated 21.12.2021, which was confirmed by the learned Additional District and Sessions Court (Fast Track) Nagercoil, Kanniyakumari District, in C.A.No.6 of 2022 dated 20.11.2024.

2. The case of the prosecution is that on 10.09.2011, when the defacto complainant and his friends were playing in the Kurathiyarai Government Higher Secondary School ground, the petitioner/accused went to the spot in his two wheeler and abused the defacto complainant in filthy language and that when the same was



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questioned by the defacto complainant, the petitioner attacked him with aruval and caused grievous injuries. A case was registered in Crime No.394 of 2011 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.37 of 2012 on the file of the learned District Munsif cum Judicial Magistrate, Boothapandi, Kanniyakumari District. After trial, the petitioner was convicted by the trial Court for the offence under Section 326 IPC and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo one month simple imprisonment and acquitted him for the offence under Sections 294(b) and 506(ii) IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in C.A.No.6 of 2022 on the file of the Additional District and Sessions Court (Fast Track) Nagercoil, Kanniyakumari District. The appellate Court confirmed the conviction and the sentence imposed by the trial Court and dismissed the appeal. Aggrieved by the said dismissal, the petitioner has preferred the present Criminal Revision Case along with the Criminal Miscellaneous Petition seeking suspension of sentence.

3. 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.

4.The learned Government Advocate (Criminal Side) appearing for the State



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would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

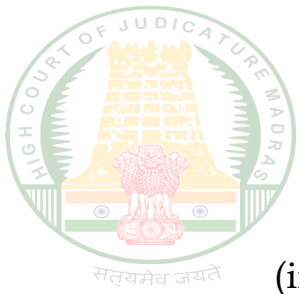
5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.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.

7. Accordingly, the relief of suspension of sentence 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 learned District Munsif cum Judicial Magistrate, Boothapandi, Kanniyakumari District ;

(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



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(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 317 of Cr.P.C 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.

Consequently, Crl.M.P.(MD)No.3857 of 2025, is dismissed.

sd/-

24/03/2025

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/04/2025

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

das

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK)
NAGERCOIL, KANYAKUMARI DISTRICT.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, BOOTHAPANDI,
KANYAKUMARI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE, BOOTHAPANDI POLICE STATION,
BOOTHAPANDI, KANNIYAKUMARI DISTRICT,.



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-3406[I] dated 25/03/2025)

ORDER

IN

CRL MP(MD) Nos. 3856 and 3857 of 2025

in

CRL RC(MD) No. 375 of 2025

Date :24/03/2025

RS//SAR-(04.04.2025) 6P 7C

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