

CRL MP(MD) Nos.3886, 3887, 3888 and 3889 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.3886, 3887, 3888 and 3889 of 2025
in
CRL RC(MD) Nos.380 and 381 of 2025

C.Sahunthala

Petitioner in
all the petitions

Vs

The State of Tamilnadu, rep. by
The Inspector of Police,
Commercial Crime Investigation Wing (CCIW),
Nagercoil.
(Crime No.2 of 2000)

Respondent in
all the petitions

(in all the petitions)
For Petitioner: Mr.K.Vamanan, Advocate

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

Prayer in CRL MP(MD).3886 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(i) BNSS praying to suspend the sentence and release the petitioner on bail in the conviction and sentence passed in the judgment in C.A.No.169 of 2004 dated 23.01.2025 on the file of the



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learned Fast Track Mahila Court (Sessions Judge) at Nagercoil confirming the judgment passed in C.C.No.30 of 2001 dated 27.07.2004, on the file of the learned Judicial Magistrate No.II, Tirunelveli, pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD).3887 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 BNSS praying to exempt the petitioner from surrendering as per the judgment in C.A.No.169 of 2004 dated 23.01.2025 on the file of the learned Fast Track Mahila Court (Sessions Judge) at Nagercoil confirming the judgment passed in C.C.No.30 of 2001 dated 27.07.2004, on the file of the learned Judicial Magistrate No.II, Tirunelveli, pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD).3888 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(i) BNSS praying to suspend the sentence and release the petitioner on bail in the conviction and sentence passed in the judgment in C.A.No.170 of 2004 dated 23.01.2025 on the file of the learned Fast Track Mahila Court (Sessions Judge) at Nagercoil confirming the judgment passed in C.C.No.32 of 2001 dated 27.07.2004, on the file of the learned Judicial Magistrate No.II, Tirunelveli, pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD).3889 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 BNSS praying to exempt the petitioner from surrendering as per the judgment in C.A.No.170 of 2004 dated 23.01.2025 on the file of the learned Fast Track Mahila Court (Sessions Judge) at Nagercoil confirming the judgment passed in C.C.No.32 of 2001 dated 27.07.2004, on the file of the learned Judicial Magistrate No.II, Tirunelveli, 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/second accused by the learned Judicial Magistrate No.2, Tirunelveli, in C.C.Nos.30 and 32 of 2001, dated 27.07.2004,



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which was confirmed by the learned Sessions Judge (Fast Track Mahila Court), Nagercoil, in Crl.A.Nos.169 and 170 of 2004, dated 23.01.2025 and (ii) to exempt the petitioner to surrender before the trial Court.

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2. The case of the prosecution is that the petitioner, who was working as Manager in Thiruvalluvar Weavers Co-operative Society, along with other accused had misappropriated the Society amount to the tune of Rs.6,60,000/- and Rs.13,900/- and on the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.2 of 2000.

3. The respondent police, after completing the investigation, has filed the final reports against two persons including the petitioner for the offences under Sections 120B, 408, 409, 467, 468, 471 and 477A IPC and the case were taken on file in C.C.Nos.30 and 32 of 2001 and the same was pending on the file of the Judicial Magistrate No.2, Tirunelveli.

4. During trial, in C.C.No.30 of 2001, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 36 documents as Ex.P.1 to Ex.P.36 and that the accused have exhibited 1 document as Ex.D.1 and in C.C.No.32 of 2001, the prosecution has examined 6 witnesses as P.W.1 to P.W.6 and exhibited 26 documents as Ex.P.1 to Ex.P.26 and that the accused have adduced neither oral nor 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 separate judgment dated 27.07.2004. In C.C.No.30 of 2001, the petitioner/second accused was convicted for the offences under Sections 120B, 477A and 408 IPC and sentenced to undergo 1 year Rigorous Imprisonment for each offence and to pay a fine of Rs.200/- each, in default, to undergo 2 months Rigorous Imprisonment and that the above sentences were ordered to be run concurrently. In C.C.No.32 of 2001, the petitioner/second accused was convicted for the offences under Sections 477A and 408 IPC and sentenced to undergo 6 months Rigorous Imprisonment for each offence and to pay a fine of Rs.250/- each, in default, to undergo 2 months Rigorous Imprisonment and that the above sentences were ordered to be run concurrently. Challenging the above said conviction and sentence, the petitioner has preferred appeals in CrI.A.Nos.169 and 170 of 2004 on the file of the Fast Track Mahila Court, Nagercoil. The learned Sessions Judge confirmed the conviction and sentence and dismissed the appeals. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

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. He would



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further submit that the petitioner has already paid the fine amount and that the petitioner is ready to deposit some portion of the amount as directed by this Court.

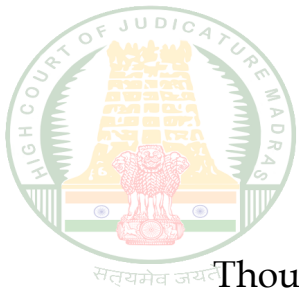
7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

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 revisions and further the criminal revisions are 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.

10. In the result, these Criminal Miscellaneous Petitions in CrI.M.P.(MD) No.3886 and 3888 of 2025 are ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

- (i) The petitioner shall deposit Rs.2,40,000/- (Rupees Two Lakhs and Forty Thousand only) to the credit of C.C.No.30 of 2001 on the file of the Judicial Magistrate No.2, Tirunelveli and Rs.10,000/- (Rupees Ten



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Thousand only) to the credit of C.C.No.32 of 2001 on the file of the Judicial Magistrate No.2, Tirunelveli, failing which the sentence suspended shall automatically dismissed and the concerned jurisdictional police is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.2, Tirunelveli;

(iii) 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

(iv) 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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.



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11. Accordingly, Crl.M.P.(MD)Nos.3887 and 3889 of 2025 are dismissed.

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, NAGERCOIL.

2 THE JUDICIAL MAGISTRATE NO.2,
TIRUNELVELI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING (CCIW),
NAGERCOIL.

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

+2 CC to M/s.K.VAMANAN, Advocate (SR-3329[I] dated 24/03/2025)

ORDER IN
CRL MP(MD) Nos.3886, 3887, 3888 and 3889 of 2025
in CRL RC(MD) Nos.380 and 381 of 2025
Date :24/03/2025

SA/SAR. /16.04.2025/7P/8C

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