



CRL MP(MD) No.3937 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 09.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.3937 of 2024
in
CRL RC(MD) No.294 of 2024

Ajmal Khan

... Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Gudalur South Police Station,
Theni District.

(Crime No.54/2018)

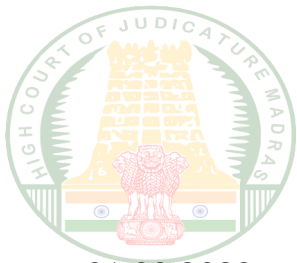
... Respondent/Respondent

For Petitioner: Mr.R.Manoharan

For Respondent: Mr.S.S.Manoj
Government Advocate (Crl.side)

Prayer in CRL MP(MD).3937 of 2024 :

This Criminal Miscellaneous Petition filed under Sections 397(1) and 439 of Cr.P.C., praying to suspend the sentence imposed on the petitioner by the learned Additional District Judge (Fast Track Court), Theni, in Criminal Appeal No.115 of 2023 dated 21.02.2024 confirming the conviction and sentence passed by the learned Judicial Magistrate (Fast Track Court), Uthamapalayam in C.C.No.54 of 2023 dated



CRL MP(MD) No.3937 of 2024

01.09.2023 pending disposal of this criminal revision and release the petitioner on bail.

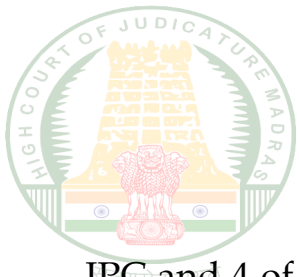
WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Criminal Appeal.No.115 of 2023 dated 21.02.2024 on the file of the learned Additional District Judge (Fast Track Court), Theni, confirming the conviction and sentence imposed in the judgment, dated 01.09.2023 passed in C.C.No.54 of 2023 on the file of the learned Judicial Magistrate (Fast Track Court), Uthamapalayam and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The case of the prosecution is that the defacto complainant is the second wife of the accused. Due to some misunderstanding, they were living separately for the period of seven years. During this separation, the accused solemnized a third marriage with one Sarkkariyammal, despite still being legally married to the defacto complainant. Upon knowing the same, the defacto complainant was fasting in front of the accused. At that time, the accused abused the defacto complainant in filthy language, attacked with stick and threatened her. Hence, the case.

3. The respondent police, after completing the investigation, has filed the final reports against the accused for the offences under Sections 294(b), 324, 506(2), 494 of



CRL MP(MD) No.3937 of 2024

WEB COPY

IPC and 4 of Tamilnadu Prohibition of Harassment of Women Act and the case was taken on file in C.C.No.54 of 2023 and the same was pending on the file of the Judicial Magistrate (Fast Track Court), Uthamapalayam, Theni District.

4. During trial, the prosecution has examined 9 witnesses as P.W.1 to P.W.9 and marked 5 documents as Ex.P.1 to Ex.P.5. The accused have 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 01.09.2023 convicting the petitioner/accused for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and sentenced him to undergo one year Simple Imprisonment and pay a fine of Rs.10,000/-, in default to undergo six months Simple Imprisonment for the offence under Section 248(2) of Cr.P.C. The said fine amount was ordered to be paid to the injured person (P.W.1) Barakkath Nisha as per Section 357(1) of Cr.P.C. Challenging the above said conviction and sentence, the petitioner has preferred appeal in C.A.No.115 of 2023 on the file of the Additional District Judge (Fast Track Court), Theni. The learned Additional District Judge (Fast Track Court), Theni, by confirming the conviction and sentence imposed by the trial Court, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the



CRL MP(MD) No.3937 of 2024

above miscellaneous petition.

WEB COPY

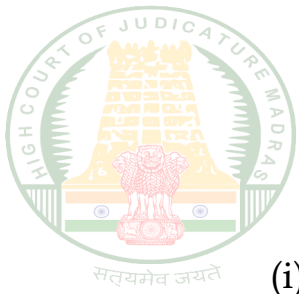
6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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

8. This Court has carefully considered the rival contentions putforth 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 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.

10. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-



CRL MP(MD) No.3937 of 2024

WEB COPY

(i) the petitioner is directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate (Fast Track Court), Uthamapalayam, Theni 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

(iii) the petitioners shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month until further orders.

sd/-
09/06/2025

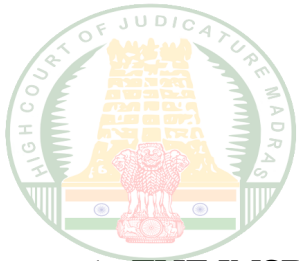
/ TRUE COPY /

/06/2025

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

rmk
TO

- 1 THE ADDITIONAL DISTRICT JUDGE (FTC), THENI.
- 2 THE JUDICIAL MAGISTRATE (FAST TRACK COURT), UTHAMAPALAYAM, THENI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.



CRL MP(MD) No.3937 of 2024

4 THE INSPECTOR OF POLICE, GUDALUR SOUTH POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.3937 of 2024
in
CRL RC(MD) No.294 of 2024
Date :09/06/2025

NBF/12.06.2025 6P/6C

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