



CRL MP(MD) NO. 4072 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 4072 of 2025

in CRL A(MD)NO.159 of 2024

Vijay @ Kuruvi Vijay

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Anna Nagar Police station,
Madurai District. Crime No. 1950/2021

Respondent(s)

For Petitioner(s):
M.Jerin Mathew

For Respondent(s):
P.Kottaichamy
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner /accused to suspend the sentence imposed as against him by the learned Sessions Judge, Mahila Court, Madurai, in S.C.No.67 of 2022, dated 30.01.2024.

2. There are two accused and the petitioner is the first accused. They were charged for the offence u/s.341, 294(b), 506(ii), 366, 376(d) IPC. The trial Court has found the accused guilty for the offence u/s.506(ii), 366, 376(d) IPC, convicted and sentenced



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them as follows:-

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- to undergo rigorous imprisonment for twenty years and to pay a fine of Rs.10,000/-, each, in default, to undergo simple imprisonment for one year, for the offence u/s.376(D) IPC;
- to undergo rigorous imprisonment for ten years and to pay a fine of Rs.10,000/-, each, in default, to undergo simple imprisonment for one year, for the offence u/s.366 IPC;
- to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, each, in default, to undergo simple imprisonment for three months, for the offence u/s.506(ii) IPC.

Challenging the conviction and sentence, the petitioner / first accused filed CrI.A (MD)No.159 of 2024. Pending the appeal, in order to suspend the sentence, he has moved this miscellaneous petition.

3.Learned Counsel for the petitioner/appellant, by relying upon the order passed by this Court in CrI.MP(MD)No.10498 of 2024, submitted that this Court has already suspended the sentence imposed on the second accused and therefore, prayed for parity.

4.Learned Government Advocate (CrI. Side) appearing for the State raised serious objections and submitted that the petitioner is a history sheeted rowdy having 32



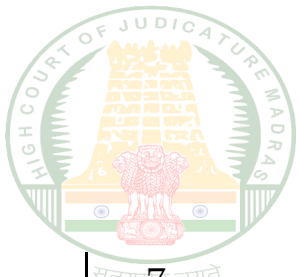
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previous cases to his credit. If the petitioner comes out on bail, then he would indulge in similar offence. Considering the same, this Court has dismissed the earlier application filed by the petitioner for suspending the sentence. There is no change in circumstances and therefore, he prayed for dismissal.

5.This Court considered the submissions made by the learned Counsel on either side and perused the materials placed on record.

6.The cases registered as against the petitioner, according to the State, reads as under:-

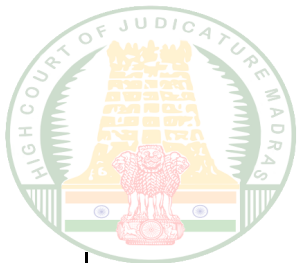
S.No.	FIR No.	Section of Law	Stage
Karuppayoorani PS			
1	281/2012	394 IPC	Disposed
2	604/2010	323, 341, 506(i) IPC	Disposed
3	161/2010	109 CrPC	Referred
4	150/2010	109 CrPC	Referred
Melur PS			
5	665/2016	147, 148, 302 IPC @ 147, 148, 149, 302 IPC	PT
Thirumangalam Town PS			
6	522/2017	147, 148, 294(b), 324, 447 IPC; 3(1) TNPPDL Act @ 147, 148, 294(b), 307, 324, 447, 506(ii) IPC, 3(1) TNPPDL Act	NTF
Anna Nagar PS			



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7 जयते	1950/2021	294(b), 307, 323, 341, 342, 354, 363, 366, 376D IPC; 4 of TNPHW Act @ 294(b), 341, 366, 376D, 506(ii) IPC	PT
8	1025/2021	25(1)(a) of Arms Act; 399 IPC	NTF
9	311/2021	20(b)(ii)(B), 8(c) of NDPS Act	PT
10	293/2021	294(b), 323, 324, 341, 506 (ii) IPC	NTF
11	1485/2020	294(b), 323, 324, 341, 427, 452, 506(ii) IPC, 3(1)(r), 3 (1)(s), 3(2)(va) of SC / ST Act	PT
12	27/2020	392, 397, 506(ii) IPC	PT
13	1385/2019	75 of TNCP Act	NTF
14	1025/2019	151 CrPC	Referred
15	1058/2018	399 IPC	PT
16	1340/2017	20(b)(ii)(C), 27(a), 29(1), 8 (c) of NDPS Act	Disposed
17	211/2017	109 CrPC	Disposed
18	1089/2015	392, 397, 506(ii) IPC	PT
19	741/2015	392 IPC	PT
20	67/2014	110(e) CrPC	Disposed
21	798/2013	302 IPC	PT
22	350/2013	75 of TNCP Act	Disposed
23	1139/2012	110(d) CrPC	Disposed
24	442/2012	294(b), 427, 506(ii) IPC	Disposed
25	1705/2011	392 IPC	Disposed
26	1100/2011	392 IPC	Disposed
Karimedu PS			



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27	358/2019	147, 152, 186, 336 IPC; 45 (1), 45(2), 45(3) of Prisons Act @ 147, 152, 186, 336, 353 IPC; 3 of TNPPDL Act	UI
28	96/2018	20(b)(ii)(A), 8(c) of NDPS Act; 42 of Prisons Act	Referred
Sellur PS			
29	749/2014	380, 457 IPC	PT
Theppakulam PS			
30	788/2017	25(1A) of Arms Act; 120b, 147, 148, 307, 341 IPC @ 25(1B)(a) of Arms Act; 148, 149, 307, 341 IPC	NTF
31	701/2010	75 of TNCP Act	Disposed
Chrompet PS			
32	83/2011	307 IPC @ 120b, 147, 148, 307, 34, 342, 448 IPC	PT

7. Given the antecedents of the petitioner, he cannot seek parity as that of the relief granted to the second accused. Therefore, this Court is not inclined to entertain this application.



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8. Accordingly, this miscellaneous petition is dismissed.

sd/-

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/04/2025

Sub-Assistant Registrar

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

Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

To

- 1 THE SESSIONS JUDGE,
MAHILA COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) NO. 4072 of 2025

in CRL A(MD)NO.159 of 2024

Date :26/03/2025

MK/SAR /03.04.2025 6P/5C

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