

Crl.MP(MD) No.4816 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4816 of 2025
in Crl.A(MD) No.437 of 2025

Frenji Selvam

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
(*)Kadamalaikundu Police Station,
Theni District.
(Crime No.290 of 2022)

... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence of imposed upon the petitioner by the Additional Sessions Judge (Fast Track Court), Theni in SC.No.127 of 2024 dated 26.03.2025 pending disposal of the criminal appeal.

For Petitioner : Mr.T.Lenin Kumar

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



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ORDER

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The petitioner is accused No.2 in SC.No.127 of 2024 on the file of the Additional District (Fast Track) Court, Theni and he was tried along with four others for the offence under Sections 307 and 324 IPC. By judgment dated 26.03.2025, he has been found guilty, convicted and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,000/- in default to undergo 6 months simple imprisonment for the offence under Section 307 IPC and A3 was convicted under section 324 IPC and sentenced to undergo one month simple imprisonment. However other accused were acquitted of the charges. As against conviction and the sentence imposed by the trial Court, A2 / this petitioner has filed an appeal before this Court in Crl.A(MD) No.437 of 2025 and the same has been admitted by this Court. The petitioner has also moved this petition to suspend the sentence.

2.The learned Counsel for the petitioner submits that it is a case in counter. The petitioner as a victim has lodged a complaint as against the defacto complainant in SC.No.127 of 2024 and it was registered in Crime No.291 of 2022 and final report was also filed by the police. It was taken on file in CC.No.231 of 2023 before the Judicial Magistrate, Andipatti. The Court has committed the case against the petitioner alone to the Court of Sessions in SC.No.127 of 2024 and the complaint of the petitioner is pending in CC.No.231 of 2023 before the Judicial Magistrate,



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Andipatti. The petitioner has also sustained injury. However the investigating officer has failed to take into consideration of the same and the trial Court also without considering the same convicted the petitioner.

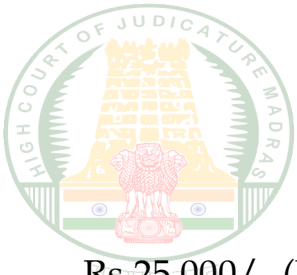
3.The learned Government Advocate (Crl Side) appearing for the respondent submits that the petitioner has caused injuries with an iron rod and according to the Doctor's (PW9) evidence, those injuries are grievous in nature.

4.This Court considered the rival submissions made and perused the material placed on record.

5.The petitioner has sustained injuries and he has also lodged complaint, wherein final report has been filed. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately, this Court inclined to allow this petition.

6.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for



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Rs.25,000/- (Rupees twenty five thousands) with two sureties each for a like sum, to

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the satisfaction of the Judicial Magistrate, Andipatti.

(ii) The petitioner shall report before the Police Station attached to the Madurai

Bench of Madras High Court, Madurai daily at 10.30am

sd/-

21/04/2025

(*)Corrected as per Order of this Hon'ble
Court dated 24.04.2025 in CrI MP(MD).4816
of 2025 in CrI A(MD).No.437 of 2025.

/ TRUE COPY /

21/04/2025

Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO BE SUBSTITUTED WITH THE ORDER DATED 21.04.2025 IS ALREADY
DISPATCHED.

To

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

4. The Inspector of Police,
Kadambanadu Police Station,
Theni District.



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5.The Superintendent,
Central Prison,
Madurai

6.The Inspector of Police,
High Court Police Station, Madurai.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-4458[I] dated 21/04/2025)

ORDER
IN

CRL MP(MD) No.4816 of 2025
Date :21/04/2025

MK/SAR /21.04.2025 5P/8C
VRN

PP/SAR. /24.04.2025/5P/9C

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