



CRL MP(MD) No.6426 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6426 of 2025

in

CRL RC(MD) No.580 of 2025

1.Murugan
2.Manikandan

Petitioners/Petitioners

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.30 of 2015)

...Respondent/Respondent

For Petitioners: Mr.C.Mayil Vahana Rajendran

For Respondent: Mr.M.Sakthi Kumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).6426 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed in judgment dated 12.03.2024 made in



CRL MP(MD) No.6426 of 2025

C.C.No. 59/2017 on the file of the Judicial Magistrate Court, Valliyoor as confirmed by the judgment dated 21.02.2025 made in Crl.A.No.41 of 2024 on the file of the III Additional Sessions Court, Tirunelveli.

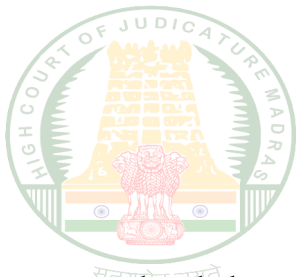
ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in judgment dated 12.03.2024 made in C.C.No. 59 of 2017 on the file of the Judicial Magistrate Court, Valliyoor as confirmed by the judgment dated 21.02.2025 made in Crl.A.No.41 of 2024 on the file of the III Additional Sessions Court, Tirunelveli.

2. The case of the prosecution is that due to previous enmity between the petitioners and P.W.3, on 15.01.2015 at about 09.00 p.m., the petitioners trespassed into the brick-kiln which was run by the P.W.3 and abused him in filthy language and threatened him with dire consequences and attacked him with backside of the Aruval and sticks. Based on the complaint given by the brother of P.W.3, FIR came to be registered in Crime No.30 of 2015.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Sections 147, 148, 447, 294(b), 323, 324 and 506 (ii) of IPC and the case was taken on file in C.C.No.59 of 2017 and the same was pending on the file of the Judicial Magistrate Court, Valliyoor.

4. During trial, the prosecution has examined 8 witnesses as P.W.1 to P.W.8

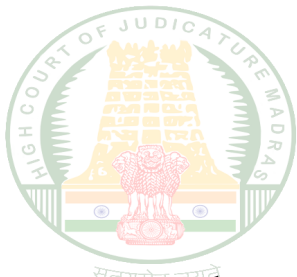


CRL MP(MD) No.6426 of 2025

and exhibited 6 documents as Ex.P.1 to Ex.P.6. The accused has adduced neither oral
WEB COPY
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 12.03.2024 convicting the petitioners for the offence under Section 148 of IPC and sentenced them to undergo 6 months simple imprisonment and to pay a fine of Rs.250/-, in default, to undergo 1 month rigorous imprisonment, under Sections 447 of IPC and sentenced them to undergo 2 months of simple imprisonment and to pay a sum of Rs.250/-, in default, to undergo 1 month rigorous imprisonment, under Section 324 of IPC and sentenced them to undergo 6 months of simple imprisonment and to pay a sum of Rs.500/-, in default, to undergo 1 month rigorous imprisonment. Challenging the above said conviction and sentence, the petitioners have preferred appeal in CrI.A.No.41 of 2024 on the file of the Learned Additional Sessions Court III, Tirunelveli. The Learned Additional Sessions Court III, Tirunelveli, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioners have preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in



CRL MP(MD) No.6426 of 2025

material particulars between the evidence of the prosecution witnesses.

WEB COPY

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 petitioners 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 petitioners 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 petitioners on the following conditions:-

- (i) the petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the



CRL MP(MD) No.6426 of 2025

WEB COPY

learned Judicial Magistrate Court, Valliyoor ;

(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.

11. Accordingly, this Miscellaneous Petition is ordered.

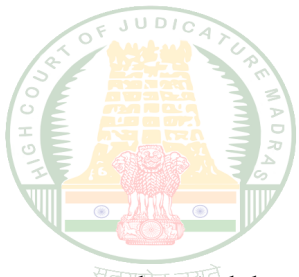
sd/-
03/06/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gbg
To

- 1.The Judicial Magistrate,
Valliyoor.
- 2.The III Additional Sessions Judge,
Tirunelveli.
- 3.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 4.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.



CRL MP(MD) No.6426 of 2025

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

+1. C.C. to MAYIL VAHANA RAJENDRAN. C Advocate SR.No.5888 (I) Dated
03/06/2025

ORDER
IN
CRL MP(MD) No.6426 of 2025
IN
CRL RC(MD) No.580 of 2025
Date :03/06/2025

HPS/11.06.2025 /6P/7C

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