



CRL MP(MD) No.6322 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6322 of 2025

in

CRL RC(MD) No.566 of 2025

Julian

...Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Radhapuram Police Station,

Tirunelveli District.

(Crime No.103of 2014)

...Respondent/Respondent

For Petitioner: Mr.M.Laxmi Mahendraa

For Respondent:Mr.M.Sakthi Kumar

Government Advocate (Criminal Side)

Prayer in CRL MP(MD).6322 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the Sentence imposed upon the Petitioner by a judgment in CA.No.85 of 2022 dated 09.01.2025 on the Learned I-Additional District and Sessions Judge, Tirunelveli thereby modifying the Judgment dated 09.11.2022 in SC.No.725 of



2016.
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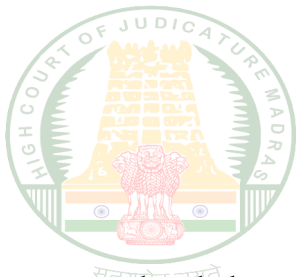
ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed upon the petitioner by a judgment in C.A.No.85 of 2022 dated 09.01.2025 on the file of Learned Additional District and Sessions Judge - I, Tirunelveli thereby modifying the Judgment dated 09.11.2022 in S.C.No.725 of 2016 on the file of Learned Assistant Sessions Court, Valliyoor.

2. The case of the prosecution is that the accused indulged with quarrel in a drunken mood in the house and threatened his wife that he would give birth to her younger sister, namely Princy, and she and her father will disgrace and will commit suicide. On 22.05.2014, the accused eloped with the deceased's daughter to somewhere. Depressed over the same, accused's father-in-law had committed suicide by consuming pesticide on 23.05.2025. Hence, FIR came to be registered in Crime No.103 of 2014.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Section 306 of IPC and the case was taken on file in S.C.No.725 of 2016 and the same was pending on the file of the Learned Assistant Sessions Court, Valliyoor.

4. During trial, the prosecution has examined 13 witnesses as P.W.1 to P.W.13



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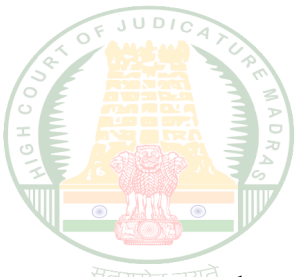
and exhibited 7 documents as Ex.P.1 to Ex.P.7. The accused has adduced neither oral
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nor documentary evidence.

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 09.11.2022 convicting the petitioner for the offence under Section 306 of IPC and sentenced him to undergo 7 years simple imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in C.A.No.85 of 2022 on the file of the Learned Additional District and Sessions Judge-I, Tirunelveli.

6. The Learned Additional District and Sessions Judge-I, Tirunelveli, has modified the sentence of 7 years into 3 years and the imposition of fine amount of Rs.1000/- was confirmed. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

7. 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.

8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record



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against the petitioners and hence, he strongly opposed to grant suspension of sentence.

9. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

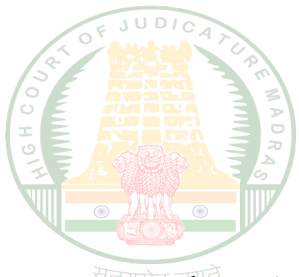
10. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in these criminal revision and further the criminal revision is 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.

11. 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:-

(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 Assistant Sessions 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



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their Aadhar card or Bank Pass Book to ensure their identity; and

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

12. Accordingly, this Miscellaneous Petition is ordered.

sd/-
03/06/2025

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

gbg
TO

1 THE I ADDITIONAL DISTRICT SESSIONS JUDGE, TIRUNELVELI.

2 THE ASSISTANT SESSIONS JUDGE, VALLIYOOR.

3 THE INSPECTOR OF POLICE, RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.LAXMI MAHENDRAA, Advocate (SR-5870[I] dated 03/06/2025)



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ORDER
IN
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in
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Date :03/06/2025

NBF/06.06.2025 6P/6C

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