



CRL MP(MD) No. 7758 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 20.06.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No. 7758 of 2025
IN
CRL RC(MD) NO. 713 of 2025

D.Durairaj

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by Inspector of Police,
Sholavanthan Police Station,
Madurai District.
Cr.No.309/2015

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section U/s. 438(i) of BNSS, to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Madurai, in CrI.A.No.26 of 2020 by the Judgment dated 05.10.2023, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Vadipatti, in C.C.No.394 of 2017 dated 30.01.2020.

For Petitioner : Mr.A.K.Azagar Sami

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



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Madurai, in Crl.A.No.26 of 2020 by the Judgment dated 05.10.2023, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Vadipatti, in C.C.No.394 of 2017 dated 30.01.2020.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 30.01.2020 for the offence under Section 304(A) of IPC, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months in C.C.No.394 of 2017 on the file of the learned Judicial Magistrate, Vadipatti.

3. The learned Principal Sessions Judge, Madurai, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.26 of 2020, dated 05.10.2023. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material



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particulars between the evidence of the prosecution witnesses.

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5. The learned Government Advocate (Criminal side) appearing for the State that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future, and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Madurai;



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(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 petitioner shall appear before the learned Principal Sessions Judge, Madurai, once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
20/06/2025

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

Sml

To

1 THE PRINCIPAL SESSIONS JUDGE,
MADURAI.

2 THE JUDICIAL MAGISTRATE,
VADIPATTI.

3 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE,
SHOLAVANDAN, SHOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.



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

ORDER
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IN
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Date :20/06/2025

MK/25.06.2025 5P/6C

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