



CrI.MP(MD) No.5612 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.5612 of 2025

in

CrI.A(MD) No.500 of 2025

1.Manoharadhas

2.Mahesh

... Petitioners

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Colachel Police Station,
Kanyakumari District.
Crime No.472/2012

... Respondent

For Petitioners : Mr.R.J.Karthick

For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate

ORDER

The petitioners, accused in SC.No.83 of 2014, on the file of the Principal Sessions Judge, Kanniyakumari at Nagercoil were found guilty by the trial Court and were convicted for the offence under Sections 294(b), 426 and 506(ii) IPC and sentenced to undergo two months rigorous imprisonment each and to pay fine of Rs.2000/- each and default sentence of two months each was also imposed. As against the conviction and sentence imposed by the trial Court in SC.No.83 of 2014, dated



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26.03.2025, the petitioners have filed a Criminal Appeal in Crl.A(MD) No.500 of 2025 and the same is admitted by this Court today. The petitioners have also moved this application to suspend the sentence imposed on them by the trial Court.

2.The learned counsel appearing for the petitioners submits that these petitioners are father and son. The defacto complainant is their neighbour. The petitioners and the defacto complainant had a dispute with regard to the pathway and compound wall, due to which, both of them have assaulted each other. These petitioners have lodged a complaint as against the defacto complainant, for which, a case in Crime No.471 of 2012 was registered for the offence under Sections 294b and 506(ii) IPC. The respondent police, who conducted the investigation has also filed the final report before the learned Judicial Magistrate, Eraniel in CC No.213 of 2013, wherein, the defacto complainant has been convicted by judgment, dated 11.09.2024. However, he was admonished by applying the Probation of Offenders Act and without considering the fact that these appellants are also the victims in the occurrence, the trial Court has erroneously convicted them as stated supra.

3. The appeal filed by these petitioners as against the conviction and sentence imposed by the trial Court is admitted by this Court on the grounds raised in support of the appeal. The trial Court while passing the judgment has suspended the sentence imposed on the petitioners till 24.04.2025. Since the petitioners are having certain



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arguable points, which needs to be considered at the time of final hearing of the
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appeal, this Court is inclined to suspend the sentence imposed on the petitioners.

4. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Sessions Judge, Kanyakumari at Nagercoil.
- ii. The petitioners shall stay at Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station, daily at 10.30 a.m., for a period of 15 days and thereafter once in a month before the trial Court.
- iii. In the event, if the petitioners have violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

sd/-
24/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To धर्मेव जयते

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- 1.The Principal Sessions Judge, Kanyakumari at Nagercoil.
- 2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
- 3.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL MP(MD) No.5612 of 2025
Date :24/04/2025

PP/SAR. /24.04.2025/4P/5C

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