



CRL MP(MD) NO. 6227 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 14-05-2025

CORAM
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL MP(MD) NO. 6227 of 2025

in

CRL A(MD) NO. 3 of 2025

Christopher Raj
S/o. Ponnumani, Vandakannavilai, Thaiyalumoodu,
Kanyakumari District.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police, Kalikavilai Police Station,
Kanyakumari District. (Crime No. 231 of 2014)

Respondent(s)

For Petitioner(s):

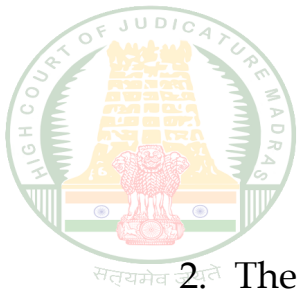
Mr.SC.Herold Singh

For Respondent(s):

E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/A3 by the Additional District and Sessions Court, Kuzhithurai in S.C.No.321 of 2016 dated 10.12.2024.

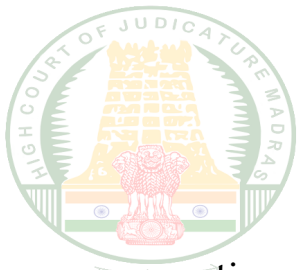


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2. The learned counsel for the petitioner/appellant submitted that the petitioner/appellant has been convicted by the learned trial Judge for the offences punishable under Sections 435 and 295 of IPC r/w Section 3(i) of TNPPDL Act, and sentenced him to undergo simple imprisonment for a period of five years for the offence under Section 435 of IPC and to undergo simple imprisonment for a period of two years for the offence under Section 295 of IPC and to undergo simple imprisonment for a period of five years and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo simple imprisonment for a period of two months for the offence under Section 3(i) of TNPPDL Act and the sentences are ordered to be run concurrently.

3. Further, the learned counsel for the petitioner/appellant submitted that the petitioner/appellant is in custody from the date of conviction i.e. on 10.12.2024. Though there were previous cases cited in the earlier petition for suspension of sentence, all the cases have been ended up in acquittal and there are no other cases pending as against the petitioner/appellant and this is the first case, he has been convicted. He also submitted that the ownership of the property, which was damaged itself is in question and already civil suits are pending between the parties and no proper evidence has been produced to substantiate the charges framed against the petitioner. Further, he submitted that there are several infirmities in the



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prosecution case and there are contradictions in material particulars between the
evidence of the prosecution witnesses.

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4. The learned Additional Public Prosecutor submitted that there are enough materials available on record against the petitioner/appellant as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5. This Court has carefully considered the contentions made and also perused the materials available on record.

6. The learned counsel for the petitioner/appellant 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 this criminal appeal and further the criminal appeal 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/appellant is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner/appellant is directed to be enlarged on bail on condition that on petitioner/appellant executing a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of
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Additional District and Sessions Court, Kuzhithurai and on further condition that
the petitioner shall appear before the said Court monthly twice (i.e., on the 1st and
15th day of every English Calender month) at 10.30 a.m., until further orders. If 1st
and 15 day falls on a holiday, the petitioner shall appear before the above said Court
on the next working day.

sd/-
14/05/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn
To

- 1.The Additional District and Sessions Court, Kuzhithurai.
 - 2.The Superintendent, Central Prison, Palayamkottai.
 - 3.The Inspector of Police,
Kalikavilai Police Station, Kanyakumari District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-5549[I] dated 15/05/2025)



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ORDER
IN
CRL MP(MD) No.6227 of 2025
Date :14/05/2025

PP/15.05.2025 5P/6C

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