



CRL MP(MD) No.6331 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6331 of 2025

in

CRL RC(MD) No.569 of 2025

1.V.Senthil
2.S.Veluchamy
3.S.Venkatesh
4.S.Selvi

...Petitioners/ Appellant/ A1 to A4

Vs

State of Tamilnadu rep. by its
The Sub Inspector of Police,
Kumuly Police Station,
Theni District.
(Crime No.34/2022)

... Respondent/Respondent/
Complainant

For Petitioner: Mr.B.Jeyakumar, Advocate
For Respondent: Mr.M.Sakthikumar
Government Advocate (Criminal Side)
Prayer in CRL MP(MD).6331 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S.
praying to suspend the sentence imposed on the petitioners by the Learned Judicial
Magistrate, Uthamapalayam, Theni District made in C.C.No.123 of 2022, dated



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12.04.2024 as confirmed subsequently by the Learned Additional District and Sessions Judge(FTC), Theni made in C.A.No.62 of 2024, dated 02.12.2024 pending disposal of the above revision.

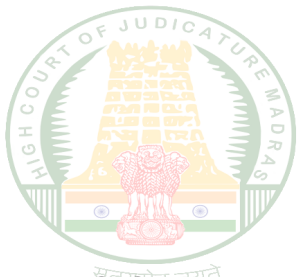
ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the Learned Judicial Magistrate, Uthamapalayam, Theni District made in C.C.No.123 of 2022, dated 12.04.2024 as confirmed subsequently by the Learned Additional District and Sessions Judge (FTC), Theni made in C.A.No.62 of 2024, dated 02.12.2024 pending disposal of the above revision.

2. The case of the prosecution is that due to a property dispute between the parties, the petitioners are said to have abused the defacto complainant and her husband in filthy language and threatened them with dire consequences and on the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.34 of 2022.

3. The respondent police, after completing the investigation, has filed the final reports against the 1st accused under Sections 294(b), 354, 506(ii) r/w Section 34 of IPC, against the 2nd and 3rd accused under Sections 294(b) r/w Section 34 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, against the 4th accused under Section 294(b) r/w Section 34 of IPC and the case were taken on file in

<https://www.mhc.tn.gov.in/judis>



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C.C.No.123 of 2022 and the same was pending on the file of the Judicial Magistrate, Uthamapalayam, Theni District.

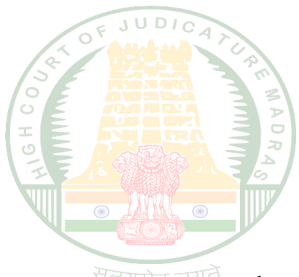
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4. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7 and exhibited 6 documents as Ex.P.1 to Ex.P.6. The accused have adduced neither oral nor documentary evidence.

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 12.04.2024 convicting the petitioners/accused nos.1 to 4 for the offences under Sections 294(b) of IPC and sentenced them to undergo 1 month simple imprisonment and to pay a fine of Rs.1000/-, and Section 354 of IPC against 1st accused and sentenced him to undergo 1 year simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 1 week simple imprisonment. Challenging the above said conviction and sentence, the petitioners have preferred appeal in C.A.No.62 of 2024 on the file of the Additional District and Sessions Judge (Fast Track Court), Theni. The learned Additional District and Sessions Judge (Fast Track Court), Theni, 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

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

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 put forth 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 are 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)



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each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District ;

(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.

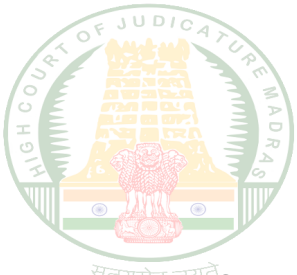
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/06/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gbg
TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT), THENI.
- 2 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.



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4 THE SUB INSPECTOR OF POLICE, KUMULY POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-5857[I] dated 03/06/2025)

ORDER
IN
CRL MP(MD) No.6331 of 2025
in
CRL RC(MD) No.569 of 2025
Date :02/06/2025

NBF/06.06.2025 6P/7C

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