



CRL RC(MD) NO. 607 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 04-06-2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NOS. 6716 and 6718 of 2025

IN

CRL RC(MD) NO. 607 OF 2025

Sheik Mohammed (aged 43/2025),
S/o. Sheir Mydeen,
170, East Mount Road,
Valukkodai,
Tirunelveli Town.

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. By its,
Inspector of Police,
Tirunelveli Town Police Station.
(In Crime No.42 of 2021)

... Respondent

For Petitioner : Mr.C.Venkatesh

For Respondent : Mr.S.Ravi, Additional Public Prosecutor



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ORDER

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Crl.M.P.(MD)No.6716 of 2025 has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.89 of 2024 dated 07.02.2025 on the file of the learned III Additional District and Sessions Judge, Tirunelveli, confirming the conviction imposed in the judgment, dated 23.09.2024 passed in S.C.No.668 of 2022 on the file of the learned Chief Judicial Magistrate Court, Tirunelveli and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. Crl.M.P.(MD)No.6718 of 2025 has been filed to grant exemption to the petitioner from surrendering before the learned III Additional District and Sessions Judge, Tirunelveli, in Crl.A.No.89 of 2024 dated 07.02.2025, confirming the conviction imposed in the judgment, dated 23.09.2024 passed in S.C.No.668 of 2022 on the file of the learned Chief Judicial Magistrate Court, Tirunelveli.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 23.09.2024 for the offence under Section 353 of IPC and Section 3 of TNPPDL Act, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of two months



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under Section 353 of IPC and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of two months under Section 3 of TNPPDL Act in S.C.No.668 of 2022 on the file of the learned Chief Magistrate Court, Tirunelveli.

4. The learned III Additional District and Sessions Judge, Tirunelveli, confirmed the conviction, and modified the sentence imposed on him to undergo simple imprisonment for a period of six months under Section 353 of IPC and to undergo simple imprisonment for a period of six months under Section 3 of TNPPDL Act and partly allowed the Criminal Appeal No.89 of 2024, dated 07.02.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petitions seeking suspension of sentence and exemption to the petitioner from surrounding.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that despite the provision under Section 3 of TNPPDL Act, mandating minimum sentence of 1 year, the learned III Additional District and Sessions Judge in the Criminal Appeal had reduced the sentence from the mandated one year to six months without application of mind and this is not a fit case to be admitted and



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pressed for dismissal of the Criminal Revision case at the threshold.

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6. The learned counsel appearing for the petitioner pointed that the proviso to Section 3 of TNPPDL Act, wherein it is made clear that any adequate or special reason to be mentioned in the judgment, the Court can impose the sentence for the term less than one year. The learned counsel drew my attention to paragraph no.23 of the judgment of the Criminal Appeal wherein the learned Sessions Judge had considered that the petitioner is a middle aged person of age 41 years and considering the said fact that the appellate Court had made its mind to reduce its sentence from one year to six months for giving an opportunity to him as a correction measure.

7. Per contra the learned Additional Public Prosecutor for the respondent submitted that that cannot be considered as adequate or special reason for reducing the sentence. He also pointed out that the learned appellate Court did not even mention that for the said reason, the sentence has been reduced below the minimum mandated sentence of one year. However, when this Court raised pertinent question as to whether any other criminal antecedent as against the petitioner herein, the learned Additional Public Prosecutor fairly conceded that there is no Criminal



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Revision Case pending as against him.

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8. In the light that the observation made by the learned III Additional District and Sessions Judge in the Criminal Appeal, considering the fact that the petitioner herein is a middle aged person and considering the further submissions of the learned counsel for the petitioner that the petitioner has a good case for arguing before this Court to prove his innocence, this Court is of the considered view that this is a fit case to the relief of grant of suspension of sentence and exempted from surrounding before the learned Trial Court.

9. Accordingly, these petitions are 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 Chief Judicial Magistrate Court, Tirunelveli ;

(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



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(iii) The petitioner shall appear before the learned Chief Judicial Magistrate Court, Tirunelveli, daily at 10.30 a.m., until further orders.

sd/-
04/06/2025

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/06/2025

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

MRN

TO

1.THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2.THE CHIEF JUDICIAL MAGISTRATE COURT, TIRUNELVELI.

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.6716 of 2025
Date :04/06/2025

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