



CRL MP(MD) No.7840 of 202

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.7840 of 2025

in

CRL RC(MD) No.723 of 2025

1.John Bosco
2.Jacob Raj

... Petitioners

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(Crime No.500/1998)

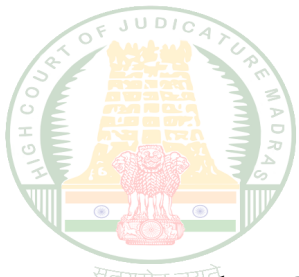
... Respondent

For Petitioner: Mr.Charles Kamalesh M.Appaji, Advocate

For Respondent: Mr.M.Sakthikumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).7840 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed against the Petitioners/Revision Petitioners in Crl.A.No.43 of 2012 on the file of the Court of Additional District Judge, Padmanabapuram dated 05-06-2024 confirming the judgment of conviction



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imposed in C.C.No.10 of 2020 on the file of District Munsiff cum Judicial Magistrate Court, Eraniel, dated 18.06.2012 and enlarge the petitioners on bail pending disposal of the criminal appeal.

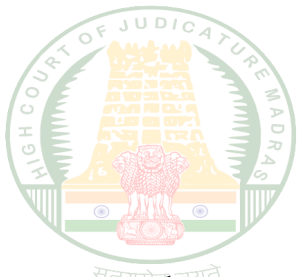
ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the Petitioners/Revision Petitioners in Crl.A.No.43 of 2012 on the file of the Court of Additional District Judge, Padmanabapuram dated 05-06-2024 confirming the judgment of conviction imposed in C.C.No.10 of 2020 on the file of District Munsiff cum Judicial Magistrate Court, Eraniel, dated 18.06.2012 and enlarge the petitioners on bail pending disposal of the criminal appeal.

2. The case of the prosecution is that due to previous enmity, on 05.07.1998 at about 5.30 p.m., the accused persons assaulted the defacto complainant with sickle. Hence, FIR came to be registered in Crime No.500 of 1998.

3. The respondent police, after completing the investigation, has filed the final report against the petitioners/accused nos.3 and 4 under Sections 341, 326 of IPC and 341 & 324 of IPC respectively and the same was pending on the file of the District Munsif cum Judicial Magistrate Court, Eraniel.

4. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 6 documents as Ex.1 to Ex.6. The accused have adduced neither oral



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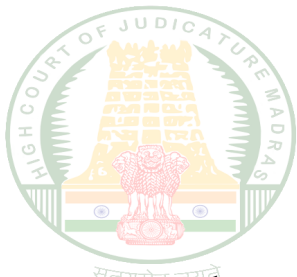
nor documentary evidence.

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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 18.06.2012 convicting the petitioner/accused no.3 for the offences under Section 326 of IPC and sentenced him to undergo 2 years simple imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 3 months simple imprisonment and convicting the petitioner/accused no.4 for the offences under Section 324 of IPC and sentenced him to undergo 1 year simple imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 3 months simple imprisonment. Challenging the above said conviction and sentence, the petitioners have preferred appeal in Crl.A.No.43 of 2012 on the file of the Additional District Judge, Padmanabapuram. The learned Additional District Judge, Padmanabapuram 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 are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Government Advocate (Criminal Side) appearing for the



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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 putforth 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 him executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsiff cum Judicial Magistrate Court, Eraniel;

(ii) The sureties shall affix their photographs and Left Thumb



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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 on all working days at 10.30 a.m. until further orders.

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-
23/06/2025

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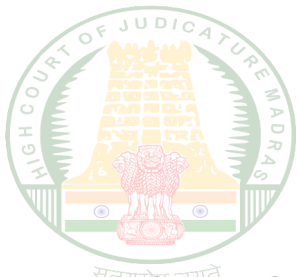
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG

TO

1.THE ADDITIONAL DISTRICT JUDGE,
PADMANABAPURAM.

2.THE DISTRICT MUNSIFF CUM JUDICIAL MAGISTRATE
COURT, ERANIEL.



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3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

4.THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

5.THE SUPERINDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.7840 of 2025
IN
CRL RC(MD) No.723 of 2025
Date :23/06/2025

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