

CRL MP(MD) No.7910 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 20.06.2025

**CORAM  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

CRL MP(MD) No.7910 of 2025

in

CRL RC(MD) No.695 of 2025

Pandi @ Pandian

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Mukkoodal Police Station,

Tirunelveli District.

(Crime No.91/205)

... Respondent/Respondent

**For Petitioner** : Mr.R.Anand, Advocate

**For Responden** : Mr.S.Ravi  
Additional Public Prosecutor

**Prayer in CRL MP(MD).7910 of 2025 :**

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to enlarge the petitioner on bail by suspending the sentence imposed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli



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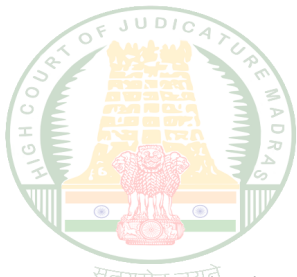
District in C.C No.121/2017 vide its judgment dated 07.11.2024 which was confirmed by the III Additional District and Sessions Judge, Tirunelveli in C.A.No.105 of 2024 vide judgment, dated 02.04.2025 pending the disposal of the main criminal revision petition.

### ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the sentence imposed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District in C.C No.121/2017 vide its judgment dated 07.11.2024 which was confirmed by the III Additional District and Sessions Judge, Tirunelveli in C.A.No.105 of 2024 vide judgment, dated 02.04.2025 pending the disposal of the main criminal revision petition.

2. The case of the prosecution is that due to previous enmity between the defacto complainant and the accused persons, wordy quarrel arose between them. Thereafter, the accused persons abused the defacto complainant in filthy language and assaulted her and threatened her with dire consequences. On the basis of the complaint lodged by the complainant, FIR came to be registered in Crime No.91 of 2015.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Sections 294(b), 323, 506(1) of IPC and Section 4 of



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TNPHW Act @ Sections 294(b), 323, 325, 506(2) of IPC and Section 4 of TNPHW Act  
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and the same was pending on the file of the District Munsif cum Judicial Magistrate,  
Cheranmahadevi, Tirunelveli District.

4. During trial, the prosecution has examined 9 witnesses as P.W.1 to P.W.9 and marked 8 documents as Ex.P.1 to Ex.P.8. The accused has 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 07.11.2024 convicting the petitioner/1<sup>st</sup> accused for the offences under Section 325 of IPC and sentenced him to undergo 2 years simple imprisonment and to pay a fine of Rs.2000/-, in default, to undergo 3 months simple imprisonment, Section 4 of TNPHW and sentenced him to undergo 1 year simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 2 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.105 of 2024 on the file of the III Additional District Sessions Judge, Tirunelveli. The learned III Additional District Sessions Judge, Tirunelveli by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.



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6. The learned counsel appearing for the petitioner 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.

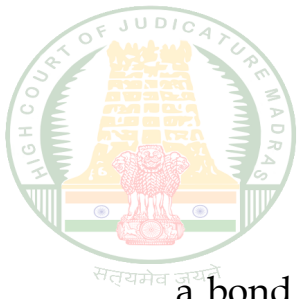
7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

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 petitioner 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 petitioner herein is 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 petitioner on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on him executing



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a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 petitioner 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/-  
20/06/2025

/ TRUE COPY /

24/06/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GBG

TO

1 THE III ADDITIONAL DISTRICT  
SESSIONS JUDGE, TIRUNELVELI

2 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, CHERANMAHADEVI,  
TIRUNELVELI.



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3 DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI.

4 THE INSPECTOR OF POLICE,  
MUKKODAL POLICE STATION,  
TIRUNELVELI DISTRICT.

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

6 THE SUUPERINTENDENT,  
CENTRAL PRISON,  
PALAYAMKOTTAI.

ORDER  
IN

CRL MP(MD) No.7910 of 2025  
Date :20/06/2025

NM/24.06.2025 6P/7C

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