



CrI.RC(MD)No.827 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CrI.RC.(MD)No.827 of 2025

and

CrI.MP(MD)No.13691 of 2025

Sankar,
S/o.Ramar,
No.37, EB Colony,
Kulavaippatty, Airport,
Trichy.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its,
The Inspector of Police,
Golden Rock All Women Police Station,
Tiruchirappalli.
(Crime No.21 of 2020)

2.Mrs.Gomathi,
W/o.Sankar,
D/o.Krishnamoorthi,
No.1/270, Melatheru,
Gundur Village,
Tiruverumbur Taluk,
Trichy District.

... Respondents



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(R-2 is impleaded vide order dated 16.10.2025 in Crl.R.C.(MD)No.827 of 2025)

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order passed by the learned III Additional District and Sessions Judge, Tiruchirappalli in Crl.M.P.No.1956 of 2025 in C.A.No.52 of 2025 vide order dated 11.06.2025 and allow this Criminal Revision Petition.

For Petitioner : Mr.K.Arunraj
For Respondent No.1 : Mr.M.Karunanithi,
Government Advocate,
(Criminal Side)

ORDER

Heard Mr.K.Arunraj, learned counsel for the Petitioner and Mr.M.Karunanithi, learned Government Advocate (Criminal Side), appearing for the 1st Respondent. Since the Criminal Revision Petition is disposed of at the admission stage itself and in view of the order to be passed in this petition, notice to the 2nd Respondent is dispensed with.



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WEB COPY 2. Mr.K.Arunraj, learned counsel for the Petitioner submits that the Petitioner/1st Accused is the husband and the 2nd Respondent is the wife. The marriage between the Petitioner and the Respondent was solemnized on 08.06.2017. They were blessed with one female child, who is now 7 years old. The learned Counsel submits that he may be permitted to implead the Petitioner's wife/victim/Mrs.Gomathi, Mrs.Gomathi, W/o.Sankar, D/o.Krishnamoorthi, No.1/270, Melatheru, Gundur Village, Tiruverumbur Taluk, Trichy District, as 2nd Respondent in this Petition as well as in the Criminal Revision Petition.

3. Accordingly, the learned counsel is permitted to implead the Petitioner's wife/victim/Mrs.Gomathi, Mrs.Gomathi, W/o.Sankar, D/o.Krishnamoorthi, No.1/270, Melatheru, Gundur Village, Tiruverumbur Taluk, Trichy District, as 2nd Respondent in this Petition as well as in the Criminal Revision Petition.



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WEB COPY 4. The Criminal Revision Petition has been filed to set aside the judgment passed by the learned III Additional District and Sessions Judge, Tiruchirappalli in CrI.M.P.No.1956 of 2025 in C.A.No.52 of 2025 dated 11.06.2025, whereby the learned III Additional District and Sessions Judge, Tiruchirappalli, dismissed the petition for suspension of sentence filed by the revision petitioner in Cr.M.P.No.1956 of 2025 in C.A.No.52 of 2025, as against the order passed by the learned Chief Judicial Magistrate, Tiruchirappalli in S.C.No.26 of 2022, dated 17.02.2025, in which the Revision Petitioner was found guilty of offence under Section 3(1) and 4 of Dowry Prohibition Act; Section 498A IPC and 307 IPC, on the ground that the revision petitioner failed to deposit Rs.10,00,000/- as compensation to the victims (his wife, Gomathi, and their daughter) and also considering the serious nature of the charges and the fact that the revision petitioner had already been incarcerated for 85 days following the trial court's judgment.



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5. The facts of the case is that the Revision Petitioner was found guilty of offence under Section 3(1) and 4 of Dowry Prohibition Act; Section 498A IPC and 307 IPC by the learned Chief Judicial Magistrate, Tiruchirappalli in S.C.No.26 of 2022, dated 17.02.2025 and he was convicted and sentenced as per Section 235(2) Cr.P.C., to undergo rigorous imprisonment of 5 years and to pay a fine of Rs.15,000/- for the offence under Section 3(1) of the Dowry Prohibition Act; to undergo rigorous imprisonment of 2 years and to pay a fine of Rs.10,000/- for the offence under Section 4 of the Dowry Prohibition Act; to undergo rigorous imprisonment of 3 years and to pay a fine of Rs.5,000/- for the offence under Section 498(A) IPC and to undergo rigorous imprisonment of 7 years and to pay a fine of Rs.5,000/- for the offence under Section 307 IPC. In default of payment of fine amount to undergo simple imprisonment for a period of 3 months each for each offences. Total Fine is Rs.15000+Rs.10,000+Rs.5,000+ Rs.5,000= Rs.35,000/-.



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WEB COPY 6. Aggrieved by the order of the Trial Court, the Revision Petitioner filed Cr.M.P.No.1956 of 2025 in C.A.No.52 of 2025 seeking suspension of sentence before the learned III Additional District and Sessions Judge, Tiruchirappalli and the lower Appellate Court dismissed the said petition on 11.06.2025 on the ground that the Revision Petitioner failed to deposit Rs.10,00,000 as compensation to the victims (his wife, Gomathi, and their daughter) and also considering the serious nature of the charges and the fact that the revision petitioner had already been incarcerated for 85 days following the trial court's judgment. Aggrieved by the dismissal order dated 11.06.2025 passed by the lower Appellate Court, the Revision Petitioner filed the present Criminal Revision Petition along with an application of suspension of sentence.

7. When the Criminal Revision Petition came up for hearing on 14.10.2025, this Court passed the following order:



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“5. This Court, vide order dated 10.09.2025, admitted the Criminal Revision Petition and summoned the trial Court record, which is now available before this Court.

6. Today, when the matter is being taken up, Mr.K.Arunraj learned Counsel for the Revision Petitioner submits that the present Criminal Revision Petition has been filed solely for the purpose of seeking suspension of sentence and grant of bail to the Revision Petitioner. He further submits that during the trial, the Revision Petitioner was enlarged on bail and did not misuse the liberty so granted. Therefore, the order passed by the lower Appellate Court rejecting the application for suspension of sentence is contrary to the principles of natural justice and has been passed without properly considering the evidence on record, particularly when the injuries sustained are of a very minor nature. As the revision petitioner is confined in jail, the learned Counsel prays this Court to grant suspension of sentence and bail to the Revision Petitioner.

7. Mr.A.S.Abul Kalam Azad, learned Government Advocate (Criminal Side), who accepts



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notice on behalf of the respondent, vehemently opposed the submission made by the learned counsel for the Revision Petitioner and submits that the victim, Gomathi, the wife, was subjected to physical assault by the revision petitioner/husband/1st accused, and the revision petitioner has not shown his bonafides by depositing the compensation amount of Rs.10,00,000/- to the victim, Gomathi, the wife, despite the injuries being grievous in nature. Hence, he prays this Court not to grant suspension of sentence and bail to the Petitioner.

8. At this juncture, Mr.K.Arunraj learned Counsel for the Revision Petitioner submits that the Revision Petitioner is now ready to deposit 50% of the compensation amount ie., Rs.5,00,000/- before the Trial Court and he prays this Court to grant suspension of sentence on depositing 50% of the compensation amount. He also assures this Court that he will produce the receipt payment on or before the next date fixed.

9. The learned Government Advocate (Criminal Side), appearing for the Respondent has no objection to the prayer made by the learned Counsel for the



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Revision Petitioner.

10. Accordingly, after considering the arguments as advanced by the learned Counsel for the Revision Petitioner that the Revision Petitioner is ready to deposit 50% of the compensation amount, this Court directs the Revision Petitioner to deposit 50% of the compensation amount ie., Rs.5,00,000/- (Rupees Five Lakh only) to the credit of S.C.No.26 of 2022, dated 17.02.2025 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli and produce the copy of the deposit receipt along with the supplementary affidavit before this Court on the next date fixed. On such deposit, the application for suspension of sentence will be considered by this Court.

*11. List this case on **16.10.2025** for consideration of the application for suspension of sentence and for grant of bail to the petitioner, before appropriate bench.”*

8. Today, when the matter is being taken up, in compliance with the order dated 14.10.2025 passed by this Court in the Criminal Revision



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Petition, the learned counsel for the Petitioner submits that 50% of the compensation amount, ie., Rs.5,00,000/- [Rupees Five Lakh only] has been deposited on 15.10.2025 to the credit of S.C.No.26 of 2022, dated 17.02.2025 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli. In this regard, the learned Counsel has produced the deposit receipt, Receipt No. 0577909, before this Court, which has been taken on record. Further, the Revision Petitioner has no objection, if the 2nd Respondent withdraw the amount of Rs.5,00,000/- deposited by the Revision Petitioner before the Trial Court.

9. The learned counsel for the petitioner submits that the Revision Petitioner has shown his bonafide by depositing the amount directed by this Court vide order dated 14.10.2025. He further submits that the Petitioner has been arrested and has been confined at Central Prison, Tiruchirappalli, from the date of trial court judgment ie., 17.02.2025 till date. The petitioner is ready to comply with all conditions imposed by this Court. Thus, he prays that this Court may grant suspension of sentence and bail to the Revision Petitioner.

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10. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the revision petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. The revision petitioner undertakes that, in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of revision.

11. Learned Government Advocate (Criminal Side) appearing for the 1st Respondent submits that he has no objection to the prayer made by the learned Counsel for the Revision Petitioner if the Revision Petitioner may be directed to pay the balance 50% of the compensation amount ie.,

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Rs.5,00,000/- [Rupees Five Lakh only] to the 2nd

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Respondent/Gomathi/wife/victim, after the final decision of the appeal in C.A.No.52 of 2025 pending before the learned III Additional District and Sessions Judge, Tiruchirappalli.

12. At this juncture, the learned Counsel for the Revision Petitioner assures this Court that the balance 50% of the compensation amount ie., Rs.5,00,000/- [Rupees Five Lakh only] be paid by the Revision Petitioner to the 2nd Respondent/Gomathi/wife/victim, after the final decision of the appeal in C.A.No.52 of 2025 pending before the learned III Additional District and Sessions Judge, Tiruchirappalli and a suitable direction be given to the lower Appellate Court to decide the appeal. Thus, he prays this Court to grant suspension of sentence and bail to the Revision Petitioner.

13. Considering the arguments advanced by the learned counsel for the Revision Petitioner, this Court observed that when the accused

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have been under incarceration for sometime and when there are points in the revision, which favour the accused and has made compliance of the direction passed by this Court, then the courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake. In this regard, the decision of the Hon'ble Supreme Court of India in the case of ***Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.

14. Accordingly, in view of the submissions and observations made, the relief of suspension of sentence and bail is granted to the revision petitioner, namely Sankar, S/o.Ramar, on the following conditions:

- (i) The Revision petitioner is ordered to be released on bail on his executing a personal bond along with two sureties for a sum of Rs.10,000/- each subject to furnishing undertaking that he will co-operate in the hearing of the pending Appeal in C.A.No.52 of 2025 pending before the learned III Additional District and Sessions Judge, Tiruchirappalli.



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- (ii) The Revision petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the learned Chief Judicial Magistrate, Tiruchirappalli, once in every month, ie., on the first working day, commencing from the month of November 2025, at 10.30 a.m., until final decision of the Appeal in C.A.No.52 of 2025 pending before the learned III Additional District and Sessions Judge, Tiruchirappalli.
- (iv) The learned III Additional District and Sessions Judge, Tiruchirappalli is directed to decide the appeal in C.A.No.52 of 2025 expeditiously.
- (v) The Revision Petitioner shall pay the remaining 50% of the compensation amount ie., Rs.5,00,000/- [Rupees Five Lakh only] to the 2nd Respondent/Gomathi/wife/victim, within 30 days from the date of judgment of the appeal in C.A.No.52 of 2025 pending before the learned III Additional District and Sessions Judge, Tiruchirappalli.



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WEB COPY 15. On acceptance of his bail bonds and sureties, the learned trial court shall transmit photostat copies thereof to the Registrar Judicial of this Court for being kept on records of this Revision Petition and also to the lower Appellate Court.

16. In the meantime, the 2nd Respondent, Mrs.Gomathi, W/o.Sankar, D/o.Krishnamoorthi, No.1/270, Melatheru, Gundur Village, Tiruverumbur Taluk, Trichy District is permitted to file an application before the trial Court for withdrawal of Rs.5,00,000/-,(Rupees Five Lakh only) which was deposited by the Revision Petitioner on 15.10.2025 to the credit of S.C.No.26 of 2022, dated 17.02.2025 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli. Upon receipt of such application, the Chief Judicial Magistrate Court, Tiruchirappalli, is directed to process the same and release the aforesaid amount to the 2nd Respondent, Mrs.Gomathi, W/o.Sankar, D/o.Krishnamoorthi, No.1/270, Melatheru, Gundur Village, Tiruverumbur Taluk, Trichy District,



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within a period of ten (10) days from the date of receipt of the application.

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17. With the above directions, this Criminal Revision Petition is finally **disposed of**. Consequently, connected Criminal Miscellaneous Petition stands disposed of.

16.10.2025

Nsr

Note: Issue Order Copy on 16.10.2025

To:

1. III-Additional District and Sessions Judge, Tiruchirappalli.
2. The Chief Judicial Magistrate, Tiruchirappalli.
3. The Inspector of Police, Golden Rock All Women Police Station, Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Central Prison, Tiruchirappalli.

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SHAMIM AHMED, J.

Nsr

Order made in
Crl.RC.(MD)No.827 of 2025

Dated: 16.10.2025