



CRL MP(MD) No.8561 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.8561 of 2025

in

CRL RC(MD) No.803 of 2025

Kalimuthu

... Petitioner

Vs

State of Tamilnadu rep. by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.132/2014)

... Respondent

For Petitioner : Mr.M.Jegadeesh Pandian, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor (Criminal Side)

Prayer in CRL MP(MD).8561 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to enlarge the petitioner / Appellant / Accused No.7 on bail by suspending the sentence imposed by the judgment in S.C.No.313 of 2022 on the file of the learned Assistant Sessions Judge (Sub Court), Muthukulathur, Ramanathapuram District. Dated 23.04.2024, which was confirmed by the judgment passed by the learned Principal District and Sessions Judge, Ramanathapuram in C.A.No.35 of 2024, dated 19.06.2025 pending disposal of the above criminal revision petition.



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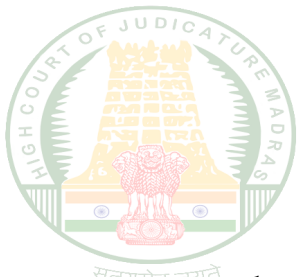
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ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner / Appellant / Accused No.7 on bail by suspending the sentence imposed by the judgment in S.C.No.313 of 2022 on the file of the learned Assistant Sessions Judge (Sub Court), Muthukulathur, Ramanathapuram District. Dated 23.04.2024, which was confirmed by the judgment passed by the learned Principal District and Sessions Judge, Ramanathapuram in C.A.No.35 of 2024, dated 19.06.2025 pending disposal of the above criminal revision petition.

2. The case of the prosecution is that on 22.05.2015, due to political rivalry, A2 to A9 had attacked P.W.2 and P.W.3 with sword and knives and caused grievous injuries. Hence, FIR came to be registered in Crime No.132 of 2014.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Sections 147, 148, 341, 294(b), 326, 307 r/w 120(B), 109, 114 and 149 of IPC and the case was taken on file in S.C.No.313 of 2022 and the same was pending on the file of the Assistant Sessions Judge (Sub Court), Muthukulathur, Ramanathapuram District.



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4. 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 23.04.2024 convicting the petitioner/accused no.7 for the offences under Section 148 of IPC and sentenced him to undergo 6 months rigorous imprisonment and for the offence under Section 307 r/w 149 of IPC and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 2 months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.35 of 2024 on the file of the Principal District and Sessions Judge, Ramanathapuram. The learned Principal District and Sessions Judge, Ramanathapuram has modified the judgment to the extent that, for the offence under Section 307 r/w 149 was enhanced to 7 years of rigorous imprisonment instead of 3 years of rigorous imprisonment. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

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.



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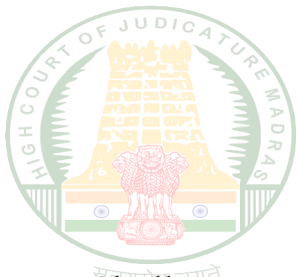
7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

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 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.

10. A common judgment was pronounced in Crl.A.Nos.30, 35, 39, 65 and 66 of 2024 on 19.06.2025 by the learned Principal District and Sessions Judge, Ramanathapuram. Of which, Crl.A.No.65 of 2024 was filed by the defacto complainant and Crl.A.Nos.30, 35 and 39 of 2024 were filed by the accused.

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



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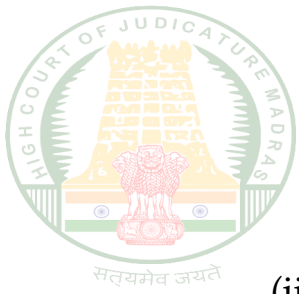
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Challenging the said judgment, dated 19.06.2025, CrI.R.C(MD)No.759 of 2025 was filed against CrI.A.No.65 of 2024, in which this Court relying upon the judgment of the Hon'ble Apex Court in Parvinder Kansal Vs. State (NCT of Delhi) & Another reported in 2020 (19) SCC 496 passed an order of interim stay, observing that the judgment in CrI.A.No.65 of 2024 should be tested since defacto complainant cannot seek enhancement of sentence in criminal appeal. Since this criminal revision case arising out of the same judgment, I find it necessary to suspend the sentence imposed by the Principal District and Sessions Judge, Ramanathapuram.

11. 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 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 Assistant Sessions Judge (Sub Court), Muthukulathur, Ramanathapuram 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



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(iii) the petitioner shall appear before the trial Court at 10.30 a.m.
on all working days until further orders.

12. Accordingly, this Miscellaneous Petition is ordered.

sd/-
28/07/2025

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

GBG

TO

- 1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM.
- 2.THE ASSISTANT SESSIONS JUDGE(SUB COURT),
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.8561 of 2025
Date :28/07/2025

SBN/31.07.2025 6P/5C

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