



CRL MP(MD) No. 10473 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No. 10473 of 2025

IN

CRL RC(MD) No. 1013 of 2025

Balaji

... Petitioner

Vs.

State of Tamilnadu,
Rep. by the Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
(Crime No.154 of 2013)

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the sentence imposed on the petitioner by the judgment dated 05.03.2025 passed in C.A.No.52 of 2022 on the file of the learned Additional District and Sessions Court (Fast Track), Nagercoil, Kanniyakumari District, confirming the judgment dated 06.09.2022, passed in C.C.No.67 of 2014 on the file of the learned District Munsif Cum Judicial Magistrate Court, Bhoothapandy, Kanniyakumari district and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner	: Mr.N.Pragalathan
For Respondent	: Mr.M.Sakthi Kumar, Government Advocate



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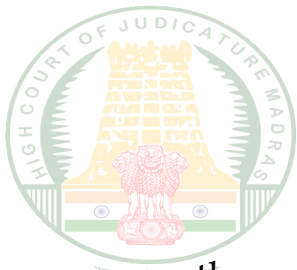
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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 05.03.2025 passed in C.A.No.52 of 2022 on the file of the learned Additional District and Sessions Court (Fast Track), Nagercoil, Kanniyakumari District, confirming the judgment dated 06.09.2022, passed in C.C.No.67 of 2014 on the file of the learned District Munsif Cum Judicial Magistrate Court, Bhoothapandy, Kanniyakumari district and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 06.09.2022, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.3,000/- (Rupees Three Thousand only), for the offence under Section 352 of IPC and convicted under Section 248(2) of Cr.P.C., in C.C.No. 67 of 2014 on the file of the learned District Munsif Cum Judicial Magistrate Court, Bhoothapandy, Kanniyakumari district.

3. The learned Additional District and Sessions Court (Fast Track), Nagercoil, Kanniyakumari District, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.52 of 2022 dated 05.03.2025. Challenging the



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same, the present Criminal Revision Case has been filed before this Court along
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with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the fact that the petitioner has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :



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(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 District Munsif Cum Judicial Magistrate Court, Bhoothapandy, Kanniyakumari 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 learned District Munsif Cum Judicial Magistrate Court, Bhoothapandy, Kanniyakumari district, on all working days at 10.30 a.m., until further orders.

sd/-
07/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sml
TO

1.THE DISTRICT MUNSIFCUM JUDICIAL MAGISTRATE,
BHOOTHAPANDY, KANNIYAKUMARI.



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2.THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3.THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8537[I] dated 07/08/2025)

ORDER IN
CRL MP(MD) No.10473 of 2025
Date :07/08/2025

SBN/08.08.2025 5P/6C

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