



CRL MP(MD) NO. 8282 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 03.07.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8282 of 2024
IN
CRL RC(MD) NO. 774 of 2024

1.Shajakhan

2.Vijay Barath

... Petitioners

Vs.

State through its Inspector of Police,
Thirukokarnam Police Station,
Pudukottai District.

... 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 upon the petitioners in C.A.No.24 of 2023 dated 27.06.2024 on the file of the learned Additional District and Sessions Judge, Pudukottai, which is modifying judgment passed in S.C.No.49 of 2016 dated 28.02.2023 on the file of the Assistant Sessions Judge, Pudukottai and enlarge the petitioner on bail pending disposal of this criminal revision case.

For Petitioners : Mr.S.M.P.Amalan
For Respondent : Mr.M.Sakthi Kumar, Government Advocate



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ORDER

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This Criminal Miscellaneous Petition has been filed to Suspend the Sentence imposed upon the petitioners in C.A.No.24 of 2023 dated 27.06.2024 on the file of the learned Additional District and Sessions Judge, Pudukottai, which is modifying judgment passed in S.C.No.49 of 2016 dated 28.02.2023 on the file of the Assistant Sessions Judge, Pudukottai and enlarge the petitioner on bail pending disposal of this criminal revision case.

2. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 28.02.2023 for the offence under Section 397 r/w 114 of IPC, and the trial Court sentenced them to undergo rigorous imprisonment for a period of seven years in S.C.No.49 of 2016 on the file of the learned Assistant Sessions Judge, Pudukottai. Challenging the same, the petitioners preferred an appeal in C.A.No.24 of 2024 before the learned Additional District and Sessions Judge, Pudukottai.

3. The learned Additional District and Sessions Judge, Pudukottai, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.24 of 2024, dated 27.06.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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4. The learned counsel for the petitioners 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 petitioners 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 petitioners are the family men and they have good chance of succeeding in the revision petition, this Court is of the considered view that the petitioners herein are 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 :

(i) The petitioners 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 Assistant Sessions Judge, Pudukottai;



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(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 petitioners shall appear before the learned Assistant Sessions Judge, Pudukottai, on all working days at 10.30 a.m., until further orders.

sd/-
03/07/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Sml
To

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PUDUKOTTAI.

2 The Assistant Sessions Judge, Pudukottai.

3 THE INSPECTOR OF POLICE
THIRUKOKARNAM POLICE STATION,
PUDUKOTTAI DISTRICT,

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MP.AMALAN, Advocate (SR-7221[I] dated 07/07/2025)



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IN
CRL RC(MD) NO. 774 of 2024
Date :03/07/2025

MK/08.07.2025 5P/6C

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