

CRL MP(MD) NO. 9851 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. 9851 of 2025

IN

CRL RC(MD) NO. 935 of 2025

1.P.Poolpandi

2.P.Aruna

3.M.Saravanan

4.V.Ponpandi

5.E.Ganesan

6.P.Viji @ Vijayakumar

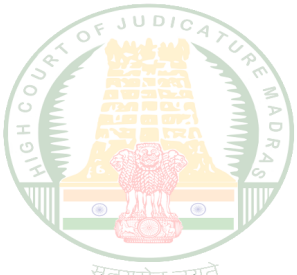
... Petitioners / Revision Petitioners

Vs.

The State Rep. by,
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
(In Cr.No.502/2017)

... Respondent / 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 in C.A.No.7 of 2021 dated 22.04.2025
on the file of the learned IV Additional Sessions Judge, Tirunelveli, which confirmed



CRL MP(MD) NO. 9851 of 2025

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the judgment of conviction and sentence in C.C.No.93 of 2018 dated 06.01.2021 on the file of the learned Judicial Magistrate No.V, Tirunelveli.

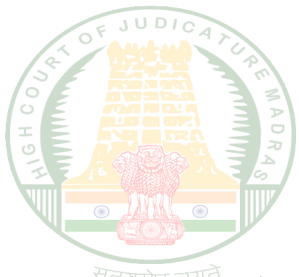
For Petitioners : Mr.Aayiram K. Selvakumar

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to Suspend the Sentence in C.A.No.7 of 2021 dated 22.04.2025 on the file of the learned IV Additional Sessions Judge, Tirunelveli, which confirmed the judgment of conviction and sentence in C.C.No.93 of 2018 dated 06.01.2021 on the file of the learned Judicial Magistrate No.V, Tirunelveli.

2. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 06.10.2021 for the offence under Section 353 of IPC, and the trial Court sentenced the petitioners to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/-, payable to the learned Judicial Magistrate No.V, Tirunelveli, in default to undergo simple imprisonment for a period of two months in C.C.No.93 of 2018 dated 06.01.2021 on the file of the learned Judicial Magistrate No.V, Tirunelveli. Aggrieved over the same, the petitioners filed a criminal appeal in C.A.No.7 of 2021 on the file of the learned IV



CRL MP(MD) NO. 9851 of 2025

Additional Sessions Judge, Tirunelveli.

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3. The learned IV Additional Sessions Judge, Tirunelveli, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.7 of 2021 dated 22.04.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

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.



CRL MP(MD) NO. 9851 of 2025

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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 Judicial Magistrate No.V, Tirunelveli;
- (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 Judicial Magistrate No.V, Tirunelveli, on all working days at 10.30 a.m., until further orders.

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.

sml
TO

1 THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.

4/5



CRL MP(MD) NO. 9851 of 2025

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2 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

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

ORDER

IN

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IN

CRL RC(MD) NO. 935 of 2025

Date :28/07/2025

NBF/SAR- /29/07/2025/ 5P/6C

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