



CRL.MP(MD).No.11536 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.02.2025**

**CORAM:**

**THE HONOURABLE MR JUSTICE B.PUGALENDHI**

CRL.MP(MD).No.11536 of 2023

in

CRL.A.(MD).No.712 of 2023

Thiru.S.P.Ganesan

.. Petitioner/ Appellant

Vs.

State Represented through  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Kanyakumari @ Nagarcoil  
(V & AC Cr.No.4/2007)

.. Respondent/ Complainant

Prayer: This Criminal Miscellaneous Petition is filed under Section 389 (iii) of Cr.PC to suspend the sentence dated 28.06.2023 in Spl.SC.No.4 of 2014 dated 28.06.2023 on the file of the Special Judge-Cum-Chief Judicial Magistrate, Kanyakumari District at Nagercoil.

For Petitioner : Mr.Ganapathi Subramanian P

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl Side)

**ORDER**

The petitioner was found guilty by the Special Judge-Cum-Chief Judicial Magistrate, Kanyakumari District at Nagercoil in Spl.SC.No.4 of 2014, convicted and



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sentenced to 1 year simple imprisonment and to pay a fine of Rs.1,000/- with default

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clause for the offences under Sections 465, 468 of the Indian Penal Code, 1860.

2. The case of the prosecution is that this petitioner along with other accused was involved in supply of wooden furniture to Aadidraavidar Welfare High School, Kalingarajapuram via a tender process and caused loss to the Government Exchequer, Tamil Nadu State Government to the tune of Rs.90,065/- (Rupees Ninety Thousand and Sixty Five Only).

3. As against the conviction, the petitioner filed CrI.A (MD).No.712 of 2023 and was also entertained by this Court and admitted on 10.08.2023. The petitioner has also filed this miscellaneous petition to suspend the sentence as against him.

4. The learned counsel for the petitioner submits that this petitioner is languishing in jail for a long period of time and therefore, requested this Court to suspend the sentence of the petitioner.

5. Heard the submissions of the learned Government Advocate (CrI.Side) as well and perused all the materials available on record.

6. It appears that the trial Court, while convicting this petitioner on 28.06.2023, has suspended the sentence for a period of one (1) month as per the provision under Section 389 (iii) of the Cr.P.C. The petitioner has preferred the appeal along with the petition for suspension of sentence, only in the month of August, 2023. Neither he has



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surrendered immediately after the expiry of the period granted by the trial Court nor he has prosecuted this application for the past 1 ½ years. Considering the conduct of this petitioner, this Court is not inclined to entertain this Criminal Miscellaneous Petition.

7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

8. Registry is directed to prepare the type set of papers and list the case for final disposal.

sd/-  
26/02/2025

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/04/2025

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

NST

TO

1 THE SPECIAL JUDGE CUM CHIEF  
JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT,  
NAGERCOIL.

2 THE INSPECTOR OF POLICE  
VIGILANCE AND ANTI CORRUPTION, KANYAKUMARI @ NAGERCOIL.

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



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ORDER  
IN  
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in  
CRL.A.(MD).No.712 of 2023  
Date :26/02/2025

SS/SAR- /23/04/2025/ 4P/4C

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