



CRL MP(MD) NO. 13500 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06-06-2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 13500 of 2023

IN

CRL RC(MD) NO. 1050 OF 2023

Ganesan @ Senthil
S/o.Pazhanivel,
Kurinji Nagar,
Alangudi,
Pudukkottai District.

... Petitioner

Vs.

State Rep. By,
The Inspector of Police,
Alangudi Police Station.
Pudukkottai District.

... Respondent

Prayer : This Civil Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., to Suspend the Sentence imposed by the learned Additional District and Sessions Judge, Pudukkottai in C.A.No.60 of 2022 by its Judgment and Decree dated 28.02.2023, confirming the conviction and sentence passed by Learned Judicial Magistrate, Alangudi.

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mr.M.Sakthi Kumar, Government Advocate (Crl.)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in C.A.No.60 of 2022 dated 28.02.2023 on the file of the learned Additional District and Sessions Judge, Pudukkottai, confirming the conviction imposed in the judgment, dated 21.11.2022 passed in C.C.No.234 of 2018 on the file of the learned Judicial Magistrate, Alangudi and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 21.11.2022 for the offence under Section 294 (b), 323 and 352 of IPC, and the trial Court sentenced him to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of two weeks under Section 294 (b) of IPC, to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month under Section 323 of IPC and to undergo simple imprisonment for a period of three months and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of two weeks under Section 352 of IPC in C.C.No.234 of 2018 on the file of the learned District Munsif cum Judicial Magistrate Court, Alangudi.

3. The learned Additional District and Sessions Judge, Pudukkottai, confirmed the conviction, and confirmed the sentence and dismissed the Criminal



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Appeal No.60 of 2022, dated 28.02.2023. Challenging the same, the present Criminal
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Revision Case has been filed before this Court along with this Criminal Miscellaneous
Petition seeking suspension of sentence.

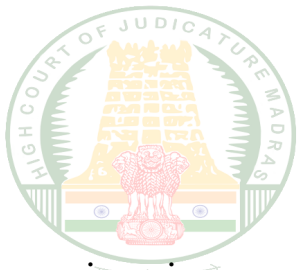
4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned counsel appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

7. 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 bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of



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imprisonment alone is suspended pending disposal of the revision with the following

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directions :

(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 Additional District and
Sessions Court, Pudukkottai ;

(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 Additional
District and Sessions Court, Pudukkottai, once in a month i.e., on the
first working day of every English calendar month at 10.30 a.m.,
until further orders.

sd/-
06/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN
TO
1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.



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2 THE JUDICIAL MAGISTRATE,
ALANGUDI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION.
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.M/S.KBS LAW OFFICE, Advocate (SR-5995[I] dated 06/06/2025)

ORDER
IN
CRL MP(MD) NO. 13500 of 2023
IN
CRL RC(MD) NO. 1050 OF 2023
Date :06/06/2025

SA/SAR. /11.06.2025/5P/7C

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