

CRL MP(MD) No.9742 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9742 of 2025

in

CRL RC(MD) No.917 of 2025

Jeyakumar

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Anjugramam Police Station,

Nagercoil,

Kanyakumari District.

(Crime No.264/2015)

... Respondent/Respondent

For Petitioner: Mr.S.Ayyanar Prem Kumar, Advocate

For Respondent: Mr.M.Sakthikumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).9742 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence made in Judgment passed in Crl.A.No.56/2019 dated 18.06.2025, on the file of the Additional District and Sessions Court (FTC), Nagercoil,



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which is confirming the conviction and sentence passed in Judgment dated 16.03.2019 in C.C.No.144 of 2015 on the file of the learned Judicial Magistrate No.III, Nagercoil and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence made in Judgment passed in Crl.A.No.56 of 2019 dated 18.06.2025, on the file of the Additional District and Sessions Court (FTC), Nagercoil, which is confirming the conviction and sentence passed in Judgment dated 16.03.2019 in C.C.No.144 of 2015 on the file of the learned Judicial Magistrate No.III, Nagercoil and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. The case of the prosecution is that on 02.06.2025, at about 1.45 p.m., the petitioner broke open the shutter of the shop belonging to the defacto complainant and stole 15 sovereigns of gold jewellery. On the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.264 of 2015.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Sections 454 and 380 of IPC and the case was taken on file in C.C.No.144 of 2015 and the same was pending on the file of the Judicial Magistrate No.III, Nagercoil.

4. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7 and



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exhibited 6 documents as Ex.P.1 to Ex.P.6. The accused has adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 16.03.2019 convicting the petitioner/sole accused for the offences under Section 454 of IPC and sentenced him to undergo 2 years rigorous imprisonment and Section 380 of IPC and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo 3 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.56 of 2019 on the file of the Additional District and Sessions Court(FTC), Nagercoil. The learned Additional District and Sessions Court(FTC), Nagercoil by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against



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the petitioners and hence, he strongly opposed to grant suspension of sentence.

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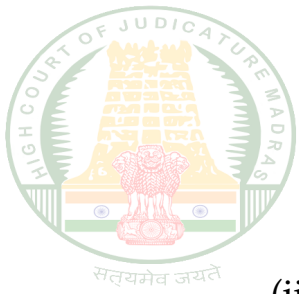
8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

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

10. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on him executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil ;

(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



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(iii) the petitioner shall appear before the trial Court at 10.30 a.m. on all working days until further orders.

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-

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Sub-Assistant Registrar

Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC), NAGERCOIL.
 - 2 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, NAGERCOIL.
 - 4 THE INSPECTOR OF POLICE, ANJUGRAMAM POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.
- +1 CC to M/s.S.SURESH KUMAR, Advocate (SR-8035[I] dated 25/07/2025)

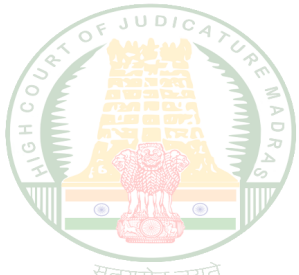
ORDER

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NBF/SAR- /25/07/2025/ 6P/7C

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