



CRL MP(MD) No.10015 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10015 of 2025
in
CRL RC(MD) No.956 of 2025

V.Ponner @ Ponnusamy

.... Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its
The Sub Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.191/2019)

... Respondent/Respondent

For Petitioner : Mr.R.Rajaraman, Advocate

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

Prayer in CRL MP(MD).10015 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence passed in CrI.A.No.68 of 2023 on the file of the District and Sessions Judge, Karur dated 24.06.2025 confirming the judgment passed in



CRL MP(MD) No.10015 of 2025

C.C.No.110 of 2019 dated 03.03.2023 on the file of the Learned Judicial Magistrate

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No.I, Kulithalai pending disposal of the criminal revision petition.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Crl.A.No.68 of 2023 on the file of the District and Sessions Judge, Karur dated 24.06.2025 confirming the judgment passed in C.C.No.110 of 2019 dated 03.03.2023 on the file of the Learned Judicial Magistrate No.I, Kulithalai pending disposal of the criminal revision petition.

2. The case of the prosecution is that due to previous enmity regarding land dispute between the accused' family and defacto complainant's family, on 14.09.2019 at about 08.30 a.m., the accused persons abused the defacto complainant's family by using filthy language and attacked them by using iron rod and caused injuries. Hence, FIR came to be registered in Crime No.191 of 2019.

3. The respondent police, after completing the investigation, has filed the final report against the 1st accused under Sections 294(b), 323, 326 & 506(2) of IPC and the case was taken on file in C.C.No.110 of 2019 and the same was pending on the file of the Judicial Magistrate No.I, Kulithalai.



CRL MP(MD) No.10015 of 2025

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4. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7 and exhibited 11 documents as Ex.P.1 to Ex.P.11. 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 03.03.2023 convicting the petitioner/1st accused for the offences under Section 326 and sentenced him to undergo 1 year rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 2 weeks simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.68 of 2023 on the file of the District and Sessions Judge, Karur. The learned District and Sessions Judge, Karur 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.



CRL MP(MD) No.10015 of 2025

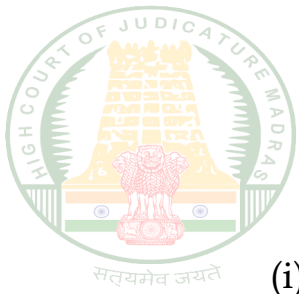
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7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

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:-



CRL MP(MD) No.10015 of 2025

WEB COPY

(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.I, Kulithalai;

(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 trial Court at 10.30 a.m. on all working days until further orders.

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-
30/07/2025

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/07/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE DISTRICT AND SESSIONS
JUDGE, KARUR.



CRL MP(MD) No.10015 of 2025

2 THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-8188[I] dated 30/07/2025)

ORDER
IN

CRL MP(MD) No.10015 of 2025

Date :30/07/2025

AS/31.07.2025/6P/7C

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