



CRL MP(MD) No.10408 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10408 of 2025

in

CRL RC(MD) No.998 of 2025

1.R.Shajagan
2.Najinithowlath

Petitioners/Petitioners

Vs

Meharajbeevi

Respondent/Respondent

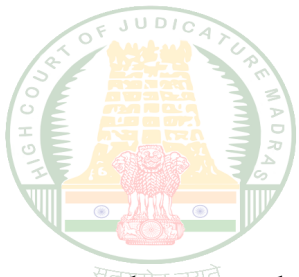
For Petitioner: Mr.P.Senguttuarasan, Advocate

Prayer in CRL MP(MD).10408 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to enlarge the petitioner on bail by suspending the sentence imposed upon him in C.C.No.469/2008 dated 23.03.2022 on the file of the Learned Additional Mahila confirmed in Crl.A.No.38 of 2022 on the file of the Learned Principal Sessions Judge, Theni, Theni District by judgment, dated 16.06.2025 pending disposal of the main criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the sentence imposed upon him in C.C.No.469/2008 dated 23.03.2022 on the file of the Learned Additional Mahila confirmed in Crl.A.No.38 of 2022 on the file of the Learned Principal Sessions Judge, Theni, Theni District by



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judgment, dated 16.06.2025 pending disposal of the main criminal revision case.

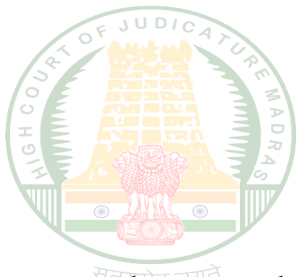
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2. The case of the prosecution is that the complainant, wife of the 1st accused, alleged that accused 1 to 3 harassed her for additional dowry and frequently quarreled with her. The 1st accused physically assaulted her, causing injuries to her shoulder, abdomen, hip, and thighs, leading to bleeding. The 3rd accused allegedly dragged her saree, hit her on the head, and quarreled with her. After lodging a complaint at the All Women Police Station, the accused were summoned and pacified. However, they later threatened her with death if she failed to meet their dowry demand. Fearing for her safety, she approached the District Legal Services Authority and submitted a complaint.

3. The charges were framed against the accused persons under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act the case was taken on file in C.C.No.469 of 2008 on the file of the learned Additional Mahila Court (Magistrate Level), Theni, Theni District.

4. During trial, on the side of the complainant, 3 witnesses have been examined and exhibited 10 documents. 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



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judgment dated 23.03.2022 convicting the petitioners/accused nos.1 & 3 for the offences under Section 498(A) and sentenced them to undergo 2 years simple imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo 2 months simple imprisonment, Section 4 of Dowry Prohibition Act and sentenced him to undergo 2 years simple imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo 2 months simple imprisonment. Challenging the above said conviction and sentence, the petitioners have preferred appeal in CrI.A.No.38 of 2022 on the file of the Principal Sessions Judge, Theni. The learned Principal Sessions Judge, Theni had modified the sentence imposed under section 498(A) and Section 4 of Dowry Prohibition Act from two years rigorous imprisonment to one year rigorous imprisonment and with respect to conviction order passed by the Trial Court under Section 498(A) and Section 4 of the Dowry Prohibition Act, the same was confirmed. The sentence was modified to the extent of one year rigorous imprisonment for each offence and the same was ordered to run concurrently. Aggrieved by the same, the petitioners have preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioners 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.



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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 petitioners 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 petitioners herein are 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 petitioners on the following conditions:-

- (i) the petitioners are directed to be enlarged on bail on them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the



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learned Additional Mahila Court (Magistrate Level) Theni, Theni District ;

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

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-
06/08/2025

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07/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Principal Sessions Judge, Theni, Theni District.

2.The Additional Mahila Court (Magistrate Level),
Theni, Theni District.



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3.Do through the Chief Judicial Magistrate,
Theni District.

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-8554[I] dated 07/08/2025)

ORDER
IN

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Date :06/08/2025

SBN/07.08.2025 6P/5C

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