



CRL MP(MD) NO. 10786 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 19.08.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 10786 of 2025

IN

CRL RC(MD) NO. 1050 of 2025

Suriyapirakash

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.267/2014)

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the sentence of imprisonment imposed by the learned Additional District Judge, Srivilliputhur, in Crl.A.No.109 of 2019 judgment dated 18.07.2025 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Sivakasi, in C.C.No.278 of 2017 dated 06.09.2019 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

For Petitioner : Mr.J.Yogeswaran

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate



CRL MP(MD) NO. 10786 of 2025

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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the learned Additional District Judge, Srivilliputhur, in Crl.A.No.109 of 2019 judgment dated 18.07.2025, confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Sivakasi, in C.C.No.278 of 2017, dated 06.09.2019 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 06.09.2019, and the trial Court sentenced him to undergo simple imprisonment for a period of six months, for the offence under Section 324 of IPC and simple imprisonment for a period three months for the offence under Section 323 of IPC (2 counts) in C.C.No.278 of 2017 on the file of the learned Judicial Magistrate No.II, Sivakasi,.

3. The learned Additional District Judge, Srivilliputhur, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No. 109 of 2019 dated 18.07.2025. Challenging the same, the present Criminal Revision Case



CRL MP(MD) NO. 10786 of 2025

has been filed before this Court along with this Criminal Miscellaneous Petition
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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. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. 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 fact that the petitioner has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



CRL MP(MD) NO. 10786 of 2025

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7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following 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 Judicial Magistrate No.II, Sivakasi;

(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 Judicial Magistrate No.II, Sivakasi, on all working days at 10.30 a.m., until further orders.

sd/-
19/08/2025

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/08/2025

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

Sml

To

1. The Additional District Judge, Srivilliputhur.

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) NO. 10786 of 2025

2. The Judicial Magistrate No.II,
Sivakasi.

3. The Inspector of Police, Thiruthangal Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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IN
CRL RC(MD) NO. 1050 of 2025
Date :19/08/2025

PS/SAR.21.08.2025 5P/5C

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