

CRL.M.P.(MD)No.10843 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17-09-2025**

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.10843 of 2025

in

CRL.R.C.(MD)No.917 of 2025

Jeyakumar,
S/o.Anthony,
Therku Theru, Kanimadam,
Anjugramam Post, Kanyakumari District.
Vs

Petitioner(s)

The State of Tamilnadu,
rep by The Inspector of Police,
Anjugramam Police Station, Nagercoil,
Kanyakumari District.

Respondent(s)

Prayer: To relax the condition imposed by this Court in order dated 25.07.2025 in CrI.M.P.(MD).No.9742 of 2025 in CrI.R.C.(MD).No. 917 of 2025.

For Petitioner :Mr.S.Ayyanar Prem Kumar

For Respondent :Mr.K.Karunanithi
Government Advocate (CrI.side)



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ORDER

This Criminal Miscellaneous Petition is filed to relax the condition imposed on the petitioner in CrI.M.P.(MD)No.9742 of 2025 in CrI.R.C.(MD)No.917 of 2025, dated 25.07.2025.

2.Heard Mr.S.Ayyanar Prem Kumar, learned Counsel for the petitioner and Mr.M.Karunanithi, learned Government Advocate (CrI.side) for the respondent.

3.The short facts of the case, which are necessary for disposal of the present Criminal Miscellaneous Petition, are as follows:-

i)On 02.06.2025, at about 01.45 p.m., the petitioner broke open the shutter of the shop belonging to the de-facto complainant and had stolen 15 sovereigns of gold jewellery. On the basis of the complaint lodged by the defacto complainant, an FIR came to be registered in Cr.No.264 of 2015. The respondent Police, after completing the investigation, had filed a final report against the petitioner under Sections 454 and 380 of IPC and the case was taken on file in C.C.No.144 of 2015 by the Judicial



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Magistrate Court No.III, Nagercoil. During trial, the prosecution had examined 7 witnesses as PW-1 to PW-7 and marked six documents as Ex-P1 to Ex-P6. The petitioner has neither adduced oral nor documentary evidence.

ii)The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both sides, had passed a judgment and decree, dated 16.03.2019, convicting the petitioner/sole accused and sentenced him to undergo 2 years rigorous imprisonment for the offence punishable under Section 454 of IPC and to undergo 2 years rigorous imprisonment for the offence punishable under Section 380 of IPC and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.

iii)Challenging the above said conviction and sentence, the petitioner has preferred an appeal in CrI.A.No.56 of 2019 before the Additional District and Sessions Court (FTC), Nagercoil. The learned Additional District and Sessions Judge (FTC), Nagercoil, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case.



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4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order, dated 25.07.2025, had ordered suspension of sentence in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C. (MD)No.917 of 2025, with the following directions:-

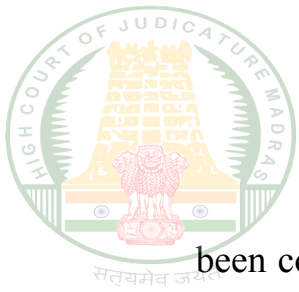
“10. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(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

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

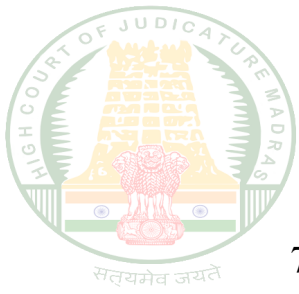
5.Today, when the matter is being taken up, Mr.S.Ayyanar Prem Kumar, learned Counsel for the petitioner submits that the petitioner has



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been complying with the conditions imposed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025, without fail. It was further submitted that the petitioner is the sole breadwinner of his family and is working as a daily wager. Thus, the learned Counsel for the petitioner prays this Court that the condition No.(iii) of the order dated 25.07.2025 passed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD)No. 917 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the Judicial Magistrate Court No.III, Nagercoil, once in a month.

6.Mr.M.Karunanithi, learned Government Advocate (Crl.side) appearing for the respondent fairly submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025 regularly. However, he submits that the conditions imposed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025, are justified and made objection for relaxing the condition No.(iii) of the order, dated 25.07.2025.



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7. Accordingly, after considering the arguments as advanced by the learned Counsel for the parties and after perusal of the order passed by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025 and after perusal of the affidavit filed by the petitioner in support of the prayer made for relaxation of condition No.(iii) of the order dated 25.07.2025 and also considering the fact that the petitioner is a daily wager, this Court is inclined to relax the condition No.(iii) of the order dated 25.07.2025 passed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, as follows:-

“The petitioner shall appear before the Judicial Magistrate Court No.III, Nagercoil, once in a month with effect from October, 2025, ie., on the first working day of Every English Calendar month at 10.30 a.m., until further orders.”

Rest of the conditions imposed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025, are unaltered.



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8. With the above modification, this Criminal Miscellaneous Petition is finally disposed of.

17-09-2025

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To

1. The Judicial Magistrate No.III, Nagercoil.
2. The Inspector of Police,
Anjugramam Police Station,
Nagercoil, Kanyakumari District.



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SHAMIM AHMED, J.

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CRL.R.C.(MD)No.917 of 2025

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