

CRL MP(MD) NO. 11596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 11596 of 2025

IN

CRL RC(MD) NO. 1196 of 2025

Sakthivel

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thirumangalam Police Station,
Madurai District.

... 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 imposed upon the petitioner in Crl.A.No.138 of 2023 dated 08.07.2025 on the file of the learned VI Additional District and Sessions Judge, Madurai, confirming the conviction and sentence passed by the learned Judicial Magistrate, Thirumangalam, in C.C.No.161 of 2020 dated 06.11.2023 pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.Mr.S.Kishore Kumar

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence

imposed upon the petitioner in Crl.A.No.138 of 2023 dated 08.07.2025 on the file of



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the learned VI Additional District and Sessions Judge, Madurai, confirming the
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conviction and sentence passed by the learned Judicial Magistrate, Thirumangalam,
in C.C.No.161 of 2020 dated 06.11.2023 pending disposal of the above Criminal
Revision Petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 06.11.2023, and the trial Court sentenced him to pay a fine of Rs.500/- in default to undergo simple imprisonment for a period of one month for the offence under Section 279 of IPC and undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default, to undergo in C.C.No.161 of 2020 on the file of the learned Judicial Magistrate, Thirumangalam.

3. The learned VI Additional District and Sessions Judge, Madurai, confirmed the conviction, and confirmed the sentence and dismissed the CrI.A.No.138 of 2023 dated 08.07.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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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 is the family men and they have 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.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :



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(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, Thirumangalam;

(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

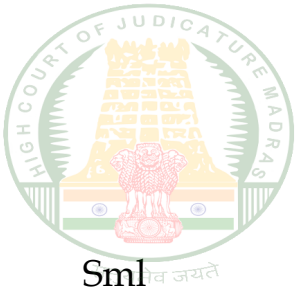
(iii) The petitioner shall appear before the learned Judicial Magistrate, Thirumangalam, on all working days at 10.30 a.m., until further orders.

sd/-
28/08/2025

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/09/2025

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



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TO

- 1.The IV Additional District and Sessions Judge, Madurai.
- 2.The Judicial Magistrate, Thirumangalam.
- 3.Do Through The Chief Judicial Magistrate, Madurai.
- 4.The Inspector of Police, Thirumangalam Police Station,
Madurai District.
- 5.The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL MP(MD) NO. 11596 of 2025
IN
CRL RC(MD) NO. 1196 of 2025
Date :28/08/2025

PR/01.09.2025 5P/6C

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