

CRL MP(MD) No.11105 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-09-2025

**CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CRL MP(MD) No.11105 of 2025

in

CRL A(MD) No.885 of 2025

1.Marimuthu
2.TaitesAthidan

**Petitioners/
Appellants**

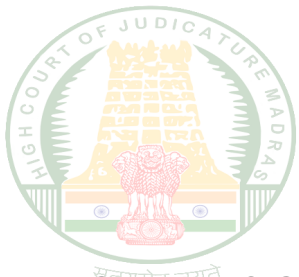
Vs

State of Tamilnadu represented by
The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
(Crime No.508 of 2016)

**Respondent/
Respondent**

Prayer in CRL MP(MD).11105 of 2025 : This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the execution of sentence by granting bail in S.C.No.9 of 2024 on the file of the learned Principal District and Sessions Court, Tenkasi District pending disposal of the above criminal appeal.

Prayer in CRL A(MD).885 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to admit this appeal on file, to call for the records from the lower



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Court in S.C.No.9 of 2024 on the file of the learned Principal District and Sessions Court, Tenkasi District and set aside the judgment dated 06.08.2015 by acquitting the appellants and by allowing the appeal.

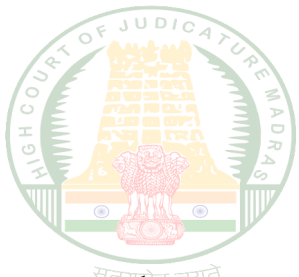
For Petitioners: Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Jeyamohan

For Respondent: Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioners/accused 1 and 2 by the learned Principal District and Sessions Judge, Tenkasi District, in S.C.No.9 of 2024 dated 06.08.2025, till the disposal of the appeal.

2. The case of the prosecution is that the defacto complainant, P.W.1, was working as a fitter in the Sankarankovil Municipality, that the first petitioner had dug the cement road illegally for getting pipe line connection, that the Municipality Commissioner has given direction to P.W.1 to make a spot inspection, that on 18.10.2016 at about 09.00 a.m., P.W.1 along with P.W.2 and P.W.3 had gone to the spot inspection and during that time, a quarrel arose between the petitioners and the defacto complainant and that the petitioners had abused them in filthy language



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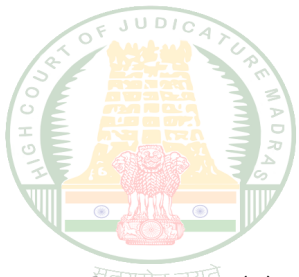
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and prevented the public servant from doing their duty and hence, FIR came to be registered in Crime No.508 of 2016 for the offences under Sections 294(b) and 353 IPC and Section 3(1) of TNPPDL Act.

3. The respondent police, after completing the investigation, has filed a final report and the case was taken on file in P.R.C.No.25 of 2019 on the file of the Judicial Magistrate, Sankarankovil. Subsequently, the case was committed to the Sessions Court, Tirunelveli and the same was taken on file in S.C.No.446 of 2022 and thereafter, the case was transferred and the same was taken on file in S.C.No.9 of 2024 on the file of the Principal District and Sessions Court, Tenkasi District.

4. During trial, the prosecution examined 7 witnesses as P.W.1 to P.W.7 and exhibited 9 documents as Ex.P.1 to Ex.P.9. The accused 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, passed the impugned judgment dated 06.08.2025 convicting the petitioners. The first petitioner has been found guilty and convicted for the offences under Sections 353 and 294(b) IPC and

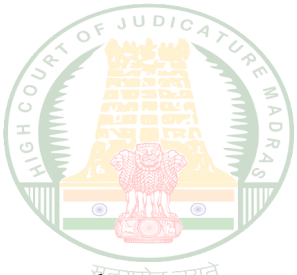


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Section 3(1) of TNPPDL Act and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a further period of three weeks for the offence under Section 3(1) of TNPPDL Act; to undergo rigorous imprisonment for three months and to pay a fine of Rs.400/-, in default to undergo simple imprisonment for a further period of one week for the offence under Section 353 IPC; and to pay a fine of Rs.300/-, in default to undergo simple imprisonment for one week for the offence under Section 294(b) IPC. The second petitioner has been found guilty and convicted for the offences under Sections 353 and 294(b) IPC and sentenced him to undergo rigorous imprisonment for three months and to pay a fine of Rs.400/-, in default to undergo simple imprisonment for a further period of one week for the offence under Section 353 IPC; and to pay a fine of Rs.300/-, in default to undergo simple imprisonment for one week for the offence under Section 294(b) IPC. The above sentences were ordered to be run concurrently. The Trial Court has already suspended the sentence imposed on the petitioners till 05.09.2025. Challenging the above said conviction and sentence, the accused have preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. The learned Senior Counsel appearing for the petitioners would submit that



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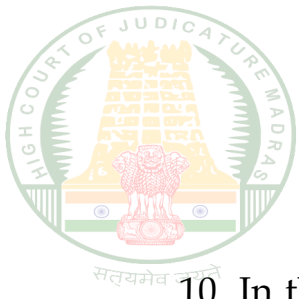
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there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have already paid the fine amount.

7. The learned Government Advocate (Criminal Side) appearing for the respondent police 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 Senior Counsel appearing for the petitioners would point out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal 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.



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

(i) The petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties, each for a like sum to the satisfaction of the Principal District and Sessions Court, Tenkasi District;

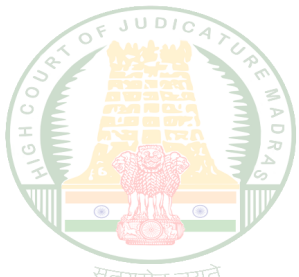
(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioners shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at **10.30 a.m., until further orders** and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 355 B.N.S.S. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

sd/-
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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 District and Sessions Judge,
Tenkasi District.

2 The Judicial Magistrate,
Sankarankovil.

3 Do Through
The Chief Judicial Magistrate,
Tenkasi District.

4 The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-9576[I] dated 03/09/2025)

ORDER

IN

CRL MP(MD) No.11105 of 2025

IN

CRL A(MD) No.885 of 2025

Date :03/09/2025

NM/04.09.2025/ 7P/7C

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