



CRL MP(MD) No.11186 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11186 of 2025

in

CRL RC(MD) No.1135 of 2025

R.Viswanathan

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Thuraiyur Police Station,

Tiruchirappalli District.

(Crime No.343/2005)

... Respondent/Respondent

For Petitioner : Mr.P.Ilayaraja, Advocate

For Respondent : Mr.M.Sakthikumar

Government Advocate (Criminal Side)

Prayer in CRL MP(MD).11186 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.260/2007 on the file of the Learned Judicial Magistrate Court, Thuraiyur, Tiruchirappalli District, dated 28.04.2023, which had been confirmed in Crl.A.No.46 of 2023 on the file of the learned III Additional District and Sessions Court, Tiruchirappalli District, dated 19.07.2025 pending disposal of the main criminal revision petition.



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## 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.260 of 2007 on the file of the Learned Judicial Magistrate Court, Thuraiyur, Tiruchirappalli District, dated 28.04.2023, which had been confirmed in Crl.A.No.46 of 2023 on the file of the learned III Additional District and Sessions Court, Tiruchirappalli District, dated 19.07.2025 pending disposal of the main criminal revision petition.

2. The prosecution's case is that the petitioner made a promise to the defacto complainant to secure a job for him abroad and demanded a sum of Rs. 2,00,000/- for the same. Pursuant to this, the defacto complainant paid Rs. 1,00,000/- to the petitioner as the first installment and the remaining Rs.1,00,000/- to Accused Nos.2 to 5. However, the petitioner defrauded the defacto complainant by sending another person abroad in his place. Hence, FIR came to be registered in Crime No.343 of 2005.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Sections 406, 418, 419 and 420 of IPC and the case was taken on file in C.C.No.260 of 2007 and the same was pending on the file of the Judicial Magistrate, Thuraiyur, Tiruchirappalli District.



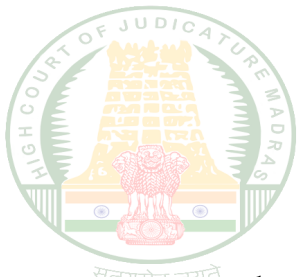
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4. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7 and exhibited 8 documents. The accused has adduced neither oral nor documentary evidence.

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 judgment dated 28.04.2023 convicting the petitioner/accused no.1 for the offences under Section 420 and sentenced him to undergo 3 years simple imprisonment and to pay a fine of Rs.2000/-, in default, to undergo 3 months simple imprisonment and to pay an amount of Rs.10,000/- as compensation, in default, to undergo 2 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in CrI.A.No.46 of 2023 on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli. The learned III Additional District and Sessions Judge, Tiruchirappalli, modified the sentence by reducing the term of simple imprisonment for the offence under Section 420 of the IPC from 3 years to 2 years. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioner 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.

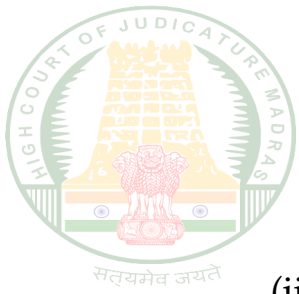
9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in these criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is 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 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 Court, Thuraiyur, Tiruchirappalli District;

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(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.

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-  
21/08/2025

/ TRUE COPY /

22/08/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

gbg

To

1.The III Additional District and Sessions Judge,  
Tiruchirappalli District.

2.The Judicial Magistrate, Thuraiyur,  
Tiruchirappalli District.

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

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4.The Inspector of Police,  
Thuraiyur Police Station,  
Tiruchirappalli District.

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

+1 CC to M/s.R.ILAYARAJA, Advocate ( SR-9049[I] dated 21/08/2025 )

ORDER  
IN  
CRL MP(MD) No.11186 of 2025  
Date :21/08/2025

SBN/22.08.2025 6P/7C

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