



CRL MP(MD) No.11357 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11357 of 2025

in

CRL RC(MD) No.1163 of 2025

Marimuthu

... Petitioner

Vs

State of Tamilnadu rep. by its
The Inspector of Police (L&O),
Anna Nagar Police Station,
Maudrai City.
(Crime No.464/2015)

... Respondent

For Petitioner : Mr.P.Karthick Advocate

For Respondent : Mr.M.Sakthikumar

Government Advocate (Criminal Side)

Prayer in CRL MP(MD).11357 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence by granting bail in Crl.A.No.37/2018 dated 13.08.2025 on the file of the Learned VI Additional District and Sessions Judge, Madurai in confirming the judgement of the Learned II Assistant Sessions Judge, Madurai in SC.No.231 of 2016 dated 14.03.2018 till the disposal of the criminal revision case.



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ORDER

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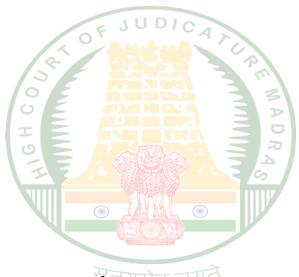
This Criminal Miscellaneous Petition has been filed to suspend the sentence by granting bail in Crl.A.No.37/2018 dated 13.08.2025 on the file of the learned VI Additional District and Sessions Judge, Madurai in confirming the judgement of the learned II Assistant Sessions Judge, Madurai in SC.No.231 of 2016 dated 14.03.2018 till the disposal of the criminal revision case.

2. On 19.03.2015 at around 6.00 a.m., due to prior enmity arising from the marriage between the complainant's son and the accused's daughter, the accused allegedly assaulted the complainant and her daughter. As a result, a case was registered against the petitioner in Crime No.464 of 2015 on the file of the respondent police.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Section 307 IPC and the case was taken on file in S.C.No.231 of 2016 and the same was pending on the file of the II Assistant Sessions Judge, Madurai.

4. During trial, the prosecution has examined 12 witnesses as P.W.1 to P.W.12 and exhibited 11 documents. The accused has adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and



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documentary
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and on hearing the arguments of both the sides, has passed a judgment dated 14.03.2018 convicting the petitioner for the offences under Section 307 of IPC and sentenced him to undergo 5 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for 6 months and Section 324 of IPC and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for 3 months . Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.37 of 2018 on the file of the VI Additional District and Sessions Judge, Madurai. The learned VI Additional District and Sessions Judge, Madurai by confirming the conviction and sentence, dismissed the appeal. 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.

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.



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8. This Court has carefully considered the rival contentions put forth 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 them 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 II Assistant Sessions Judge, Madurai ;

(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.



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on all working days until further orders.

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11. Accordingly, this Miscellaneous Petition is ordered.

sd/-
26/08/2025

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/ /2025
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 VI Additional District and Sessions Judge, Madurai .

2.The II Assistant Sessions Judge, Madurai.

3.The Inspector of Police (L&O),
Anna Nagar Police Station,
Maudrai City.

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

+1 CC to M/s.P.KARTHICK, Advocate (SR-9197[I] dated 26/08/2025)

ORDER IN
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Date :26/08/2025

SBN/29.08.2025 5P/6C

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