



CRL MP(MD) No.11647 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.08.2025

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

CRL MP(MD) No.11647 of 2025

in

CRL RC(MD) No.1204 of 2025

Gurunathan

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Economic Offences Wing,

Trichy.

... Respondent/Respondent

**For Petitioner:** Mr.B.Jameelarasu, Advocate

**For Respondent:** Mr.M.Sakthikumar

Government Advocate (Criminal Side)

**Prayer in CRL MP(MD).11647 of 2025 :**

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed on the petitioner vide judgment made in Crl.A.No,70/2018 dated 23.07.2025 passed by the III Additional cum District and Sessions Judge, Trichy confirming the conviction and sentence passed by the Learned Judicial Magistrate No.I, Trichy passed in C.C.No.304 of 2010 dated 18.05.2018 pending disposal of the above criminal revision petition.



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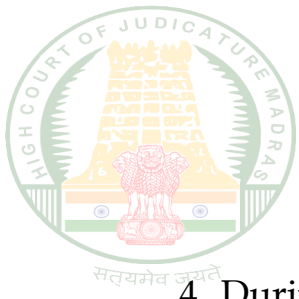
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**ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner vide judgment made in Crl.A.No,70/2018 dated 23.07.2025 passed by the III Additional cum District and Sessions Judge, Trichy confirming the conviction and sentence passed by the Learned Judicial Magistrate No.I, Trichy passed in C.C.No.304 of 2010 dated 18.05.2018 pending disposal of the above criminal revision petition.

2. The case of the prosecution is that the petitioner, while serving as Chairman at Varaganeri T.S.M. Primary School and in the Tamil Nadu Fire Department and Government Aided School Employees Cooperative Monetary Association, allegedly conspired with accused persons 6 to 10 to extort money from the Union by manipulating retirement dates, salary deductions, preparing false salary lists, issuing cheques, and fabricating a loan application. As a result, a criminal case has been registered against the petitioner in Crime No. 2 of 2006. under Sections in Crime No. 2 of 2006.

3. The respondent police, after completing the investigation, has filed the final report against the petitioner under Sections 408, 467, 468, 471, 477(A) read with 120(b) of IPC and the case was taken on file in C.C.No.304 of 2010 and the same was pending on the file of the Judicial Magistrate No.I, Trichy.



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4. During trial, the prosecution has examined 16 witnesses as P.W.1 to P.W.16 and exhibited 80 documents. The accused had examined one witness and exhibited 8 documents.

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 18.05.2018 convicting the petitioner/1<sup>st</sup> accused for the offences under Section 408 and sentenced him to undergo 2 years simple imprisonment and to pay a fine of Rs.3000/-, Section 468 of IPC and sentenced him to undergo 2 years simple imprisonment and to pay a fine of Rs.3000/-, Section 471 of IPC and sentenced him to undergo 2 years simple imprisonment, Section 477(a) of IPC and sentenced him to undergo 2 years simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in CrI.A.No.70 of 2018 on the file of the III Additional cum District and Sessions Judge, Trichy. The learned III Additional cum District and Sessions Judge confirmed the conviction and sentence, but ordered to run the sentence concurrently. 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 No.I, Trichy ;

(ii) The sureties shall affix their photographs and Left Thumb



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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/-  
29/08/2025

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

gbg  
To

- 1.The III Additional cum District and Sessions Judge, Trichy.
  - 2.The Judicial Magistrate No.I, Trichy.
  - 3.Do through the Chief Judicial Magistrate, Trichy District.
  - 4.The Inspector of Police, Economic Offences Wing, Trichy.
  - 5.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1. C.C. to B.JAMEELARASU Advocate SR.No.9540(I) dated 02/09/2025



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ORDER

IN

CRL MP(MD) No.11647 of 2025

in

CRL RC(MD) No.1204 of 2025

Date :29/08/2025

NBF/03/09/2025/ 6P/7C

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