



CRL RC(MD) NO.190 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-02-2025

CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.1886 and 1887 of 2025
in
CRL RC(MD) NO.190 of 2025

Selvam @ Selvaraj

Petitioner
in both the petitions

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Panaiyapatty Police Station,
Pudukkottai District.
(Crime No.41 of 2013)

Respondent
in both the petitions

(in both the petitions)

For Petitioner :

Mr.A.Arun Prasad, Advocate

For Respondent :

Mr.B.Thanga Aravindh, Government Advocate (Crl. Side)

ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the



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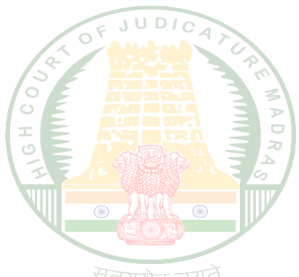
sentence imposed on the petitioner/first accused by the learned District Munsif cum Judicial Magistrate, Thirumayam, in C.C.No.145 of 2013, dated 02.04.2019, which was modified by the learned Principal District and Sessions Judge, Pudukkottai, in Crl.A.No.30 of 2019, dated 27.08.2024 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the prosecution is that due to previous enmity, on 16.05.2013 at about 08.30 p.m., the petitioner/first accused and the accused 2 and 3 scolded the defacto complainant and two others in filthy language, assaulted them by using knife and also threatened them with dire consequences and on the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.41 of 2013.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.145 of 2013 and the same was pending on the file of the District Munsif cum Judicial Magistrate, Thirumayam.

4. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11 and exhibited 4 documents as Ex.P.1 to Ex.P.4. The accused have 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 the judgment dated 02.04.2019 convicting the petitioner/first accused for the offences



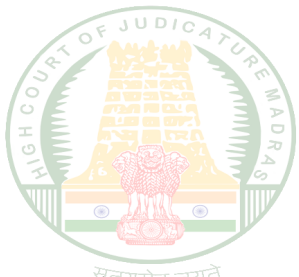
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under Sections 294(b), 324 and 326 IPC and sentenced him to pay a fine of Rs.1,000/-
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for the offence under Section 294(b) IPC, sentenced him to undergo 6 months Simple Imprisonment for the offence under Section 324 IPC and sentenced him to undergo 1 year Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month Simple Imprisonment for the offence under Section 326 IPC and that the above sentences were ordered to be run concurrently. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.30 of 2019 on the file of the Principal District and Sessions Court, Pudukkottai. The learned Sessions Judge, while partly allowing the appeal, has modified the offence under Section 326 IPC to Section 325 IPC and sentenced him to undergo 6 months Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month Simple Imprisonment and confirmed the other offences. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

6. The learned counsel appearing for the petitioner would submit that the petitioner has already paid the fine amount. He would further 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



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the petitioner and hence, he strongly opposed to grant suspension of sentence.

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8. This Court has carefully considered the rival contentions put forward 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 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, 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, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.1886 of 2025 is **ordered**. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(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 District Munsif cum Judicial Magistrate, Thirumayam;

(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



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(iii) The petitioner 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 he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

11. Accordingly, CrI.M.P.(MD)No.1887 of 2025 is **dismissed**.

sd/-
14/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PUDUKKOTTAI.
- 2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUMAYAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT



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**4 THE INSPECTOR OF POLICE,
PANAIYAPATTY POLICE STATION,
PUDUKOTTAI DISTRICT.**

**5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.**

+2 CC to M/s.A.ARUN PRASAD, Advocate (SR-1751,1768[I] dated 18/02/2025)

**ORDER
IN
CRL MP(MD) Nos.1886 and 1887 of 2025
in
CRL RC(MD) NO.190 of 2025
Date :14/02/2025**

SS/VR/SAR- /27/02/2025/ 6P/8C

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