



CRL MP(MD) No.2168 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.2168 of 2025
in
CRL RC(MD) No.210 of 2025

Manoharan

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
District Crime Branch,
Thanjavur District.
(Crime No.5 of 2018)

... Respondent/Respondent

For Petitioner : Mr.A.Arun Prasad, Advocate

For Respondent : Mr.M.Sakthikumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).2168 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. Praying to suspend the sentence of the petitioner imposed in judgment dated 12.09.2023 in C.C. No.2 of 2021 on the file of learned Judicial Magistrate Court, Thiruvaiyaru, confirmed in judgment dated 24.09.2024 made in Crl.A.No.220 of 2023 on the file of II Additional District & Sessions Judge, Thanjavur and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of the petitioner imposed in judgment dated 12.09.2023 in C.C.No.2 of 2021 on the file of learned Judicial Magistrate Court, Thiruvaiyaru, confirmed in judgment dated 24.09.2024 made in Crl.A.No.220 of 2023 on the file of II Additional District & Sessions Judge, Thanjavur and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.

2. The case of the prosecution is that the 3rd accused/petitioner herein being an Assistant Doctor at Naducauvery Government Primary Health Centre, colluded with 1st and 2nd accused who were Junior Assistants and misappropriated money from the Dr.Muthulakshmi Reddy Maternity Financial Assistance Scheme. Hence, FIR came to be registered in Crime No.5 of 2018.

3. The respondent police, after completing the investigation, has filed the final report against the 3rd accused/petitioner herein under Sections 409, 420 and 120(B) of IPC and the case was taken on file in C.C.No.1 of 2021 and the same was pending on the file of the Judicial Magistrate Court, Thiruvaiyaru.



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4. During trial, the prosecution has examined 16 witnesses as P.W.1 to P.W.16 and exhibited 39 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 12.09.2023 convicting the petitioner/3rd accused for the offences under Section 409 and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment, Section 420 of IPC and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment, Section 120(B) of IPC and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.220 of 2023 on the file of the II Additional District and Sessions Judge, Thanjavur. The learned II Additional District and Sessions Judge, Thanjavur 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.



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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.

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.



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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, Thiruvaiyaru;

(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/-
18/08/2025

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

gbg

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TO मेव जयते

1 The II Additional District and Sessions Judge,
Thanjavur.

2 The Judicial Magistrate,
Thiruvaiyaru.

3 Do Through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

4 The Inspector of Police,
District Crime Branch,
Thanjavur District.

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

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-8947[I] dated 19/08/2025)

ORDER

IN

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in

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Date :18/08/2025

AS/19.08.2025/6P/7C

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