



CRL MP(MD) NO. 12984 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 12984 of 2024

IN

CRL RC(MD) NO. 1267 of 2024

Krishnakumari @ Pragalya

D/o. Manickam, No.3/9, Krishna Nagar,
Thirupalai, Madurai District.

Petitioner(s)

Vs

The State of Tamil Nadu
rep. by The Inspector of Police,
Tallakulam Police Station, Madurai District.
(Crime No. 430 of 2019)

Respondent(s)

For Petitioner(s): Mr.C.Christopher

For Respondent(s): Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner/A1 by the learned Judicial Magistrate No.II, Madurai in C.C.No.1232 of 2019, dated 25.02.2022, which was confirmed in Criminal Appeal No.14 of 2022, dated 10.09.2024, by the learned IV Additional District and Sessions Judge, Madurai pending disposal of the Criminal Revision Case in CrI.R.C.(MD) No.1267 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information

Report, in Crime No.430 of 2019, came to be registered by the respondent police as

<https://www.jmc.tn.gov.in/judis>



CRL MP(MD) NO. 12984 of 2024

against the accused for the offence under Sections 406, 420 and 506(ii) of IPC read
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with Section 14 of the Foreigners Act, 1946.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.1232 of 2019 on the file of the learned Judicial Magistrate No.II, Madurai.

4. The learned counsel appearing for the petitioner submitted that the petitioner/A1 has been convicted by the trial Court on 25.02.2022, and the trial Court sentenced the petitioner to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 406 of IPC, and to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 420 of IPC, and the sentences were ordered to run concurrently. She was acquitted by the trial Court for the offence under Section 506(ii) of IPC.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.14 of 2022 on the file of the learned IV Additional District and Sessions Judge, Madurai. By a judgment, dated 10.09.2024, the learned IV Additional District and Sessions Judge, Madurai, by confirming the



CRL MP(MD) NO. 12984 of 2024

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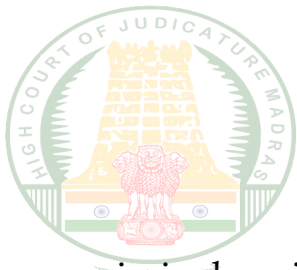
said conviction and sentence, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, the learned counsel for the petitioner filed additional typed set of papers attaching the copies of Aadhar card and Voter ID card of the petitioner, which reveals the residential address of the petitioner.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this



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criminal revision and further, the criminal revision is not likely to be taken up for
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final hearing in the near future, this Court is of the considered view that the
petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(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 learned Judicial Magistrate No.II, 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 Judicial Magistrate No.II, Madurai once in a month i.e., on first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
28/01/2025

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



CRL MP(MD) NO. 12984 of 2024

TO
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1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE, TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN
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IN
CRL RC(MD) NO. 1267 of 2024
Date :28/01/2025

RS/VR/SAR-2(19.02.2025) 5P 6C
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