



CRL MP(MD) NO. 12678 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18-09-2025**

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.12678 of 2025 in CRL.R.C.(MD)No.930 of 2025

Arulselvan
S/o. Jeyaveera Gothandapani,
Residing at No. 27, Mudukadu,
Peravurani Taluk, Thanjavur District.

2.Selvakumar,
S/o. Jeyaveera Gothandapani,
Residing at No. 27, Mudukadu,
Peravurani Taluk, Thanjavur District.

Petitioners

Vs

The State of Tamilnadu,
Rep. by The Sub Inspector of Police,
Peravurani Police Station, Thanjavur District.

Respondent(s)

Prayer: C-60. To relax the condition imposed by this Court in Crl.MP.
(MD).No.9834 of 2025 in Crl.R.C.(MD)No.930 of 2025 dated
28.07.2025.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.side)



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ORDER

This Criminal Miscellaneous Petition is filed to relax the condition imposed on the petitioner in CrI.MP.(MD).No.9834 of 2025 in CrI.R.C. (MD)No.930 of 2025 dated 28.07.2025.

2.Heard Mr.A.Arun Prasad, learned Counsel for the petitioner and Mr.M.Karunanithi, learned Government Advocate (CrI.side) for the respondent.

3.The short facts of the case, which are necessary for disposal of the present Criminal Miscellaneous Petition, are as follows:-

i)On 14.09.2019 at around 09.00 am., when the defacto complainant asked the accused to return back 30 sovereigns of gold jewels and other certificates, which were handed over to his father, when he was alive, the accused persons have attacked the de-facto complainant and his wife and threatened them with dire consequences. On the basis of the complaint given by the defacto complainant, an FIR came to be registered in Cr.No.161 of 2019. The respondent Police, after



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completing the investigation, had filed a final report against the accused Nos.1 and 2 under Sections 294(b)-, 324, 354 and 506(2) IPC of IPC and against the accused No.3 under Sections 294(b) and 354 IPC and the case was taken on file in C.C.No.324 of 2022 by the District Munsif cum Judicial Magistrate Court, Peravurani. During trial, the prosecution had examined 10 witnesses as PW-1 to PW-10 and marked six documents as Ex-P1 to Ex-P6. The accused has neither adduced oral nor documentary evidence.

ii)The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both sides, had passed a judgment and decree, dated 31.10.2023, convicting the petitioner and other accused accused and sentenced him to undergo 2 years rigorous imprisonment for the offence punishable under Section 454 of IPC and to undergo 2 years rigorous imprisonment for the offence punishable under Section 380 of IPC and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.

iii)Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.56 of 2019 before the Additional District and Sessions Court (FTC), Nagercoil. The learned



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Additional District and Sessions Judge (FTC), Nagercoil, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case.

4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order, dated 25.07.2025, had ordered suspension of sentence in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C. (MD)No.917 of 2025, with the following directions:-

“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.III, Nagercoil ;

(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



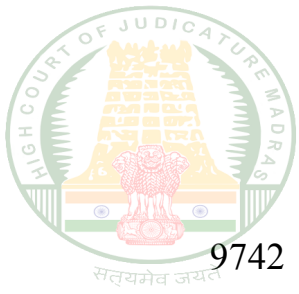
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10.30 a.m. on all working days until further orders.”

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5.Today, when the matter is being taken up, Mr.S.Ayyanar Prem Kumar, learned Counsel for the petitioner submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025, without fail. It was further submitted that the petitioner is the sole breadwinner of his family and is working as a daily wager. Thus, the learned Counsel for the petitioner prays this Court that the condition No.(iii) of the order dated 25.07.2025 passed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C. (MD)No.917 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the Judicial Magistrate Court No.III, Nagercoil, once in a month.

6.Mr.M.Karunanithi, learned Government Advocate (Crl.side) appearing for the respondent fairly submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.9742 of 2025 in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025 regularly. However, he submits that the conditions imposed in Crl.M.P.(MD)No.



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9742 of 2025 in CrI.R.C.(MD) No.917 of 2025, dated 25.07.2025, are justified and made objection for relaxing the condition No.(iii) of the order, dated 25.07.2025.

7. Accordingly, after considering the arguments as advanced by the learned Counsel for the parties and after perusal of the order passed by the Co-ordinate Bench of this Court in CrI.M.P.(MD)No.9742 of 2025 in CrI.R.C.(MD) No.917 of 2025, dated 25.07.2025 and after perusal of the affidavit filed by the petitioner in support of the prayer made for relaxation of condition No.(iii) of the order dated 25.07.2025 and also considering the fact that the petitioner is a daily wager, this Court is inclined to relax the condition No.(iii) of the order dated 25.07.2025 passed in CrI.M.P.(MD)No.9742 of 2025 in CrI.R.C.(MD) No.917 of 2025, as follows:-

“The petitioner shall appear before the Judicial Magistrate Court No.III, Nagercoil, once in a month with effect from October, 2025, ie., on the first working day of Every English Calendar month at 10.30 a.m., until further orders.”



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Rest of the conditions imposed in Crl.M.P.(MD)No.9742 of 2025
in Crl.R.C.(MD) No.917 of 2025, dated 25.07.2025, are unaltered.

8.With the above modification, this Criminal Miscellaneous
Petition is finally disposed of.

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To



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SHAMIM AHMED, J.

cmr

CRL.R.C.(MD)No.1207 of 2025

18.09.2025