



CRL MP(MD) NO. 12795 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 12795 of 2024

IN

CRL RC(MD) NO. 1239 OF 2024

Ajith Murugan
S/o.Palani, No.4/19 Kulasekaran Street, Kurumalaperi,
Tenkasi District.

Petitioner

Vs.

The State represented through
The Inspector of Police,
Pavoorchatram, Tenkasi District.
Crime No.368 of 2017.

Respondent

For Petitioner : M/s.M.Gopika, Advocate

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Criminal Appeal No.03 of 2024, dated 19.10.2024 on the file of the learned Principal District Judge, Tenkasi, confirming the judgment, dated 21.12.2023 passed in C.C.No.51 of 2018 on the file of the learned Judicial Magistrate,



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Tenkasi and enlarge the petitioner on bail pending disposal of the main Criminal
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Revision Case.

2. The learned counsel for the petitioner submitted that a case has been registered against the petitioner in Crime No.368 of 2017 on the file of the respondent/Inspector of Police, Pavoorchatram, Tenkasi District for the offence punishable under Sections 341, 294(b), 324, 506(1) of IPC and Section 4 of the TN Prohibition of Women Harassment Act, 2002 and the same was taken on file in C.C.No.51 of 2018 before the learned Judicial Magistrate, Tenkasi. The petitioner was convicted for the offence under Section 324 of IPC and sentenced him to undergo simple imprisonment for a period of 6 months and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for a period of one month and convicted for the offence under Section 506(i) of IPC and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of 2 weeks and the petitioner was acquitted for the offence under Sections 341, 294(b), 324, 506(1) of IPC and Section 4 of the TN Prohibition of Women Harassment Act, 2002.

3. Aggrieved by the conviction judgment, the petitioner has preferred the appeal in C.A.No.3 of 2024 before the Principal District Court, Tenkasi. The learned Principal District Judge, Tenkasi, confirmed the conviction and sentence, and dismissed the said appeal on 19.10.2024.



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4. Challenging the judgment passed in C.A.No.3 of 2024, the petitioner has preferred the main Criminal Revision Case along with this petition seeking suspension of sentence pending disposal of the criminal revision.

5. The learned counsel for the petitioner further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. Therefore, he prays for seeking suspension of sentence.

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

7. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

8. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies present in this case, and also there are 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, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

9. Accordingly, the suspension of sentence petition is allowed and the sentence



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of the imprisonment alone is suspended pending disposal of the revision on the

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following conditions:-

(i) The petitioner shall execute 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, Tenkasi;

(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 learned Judicial Magistrate, Tenkasi once in a month i.e., on the first working day of every English Calendar month at 10.30 a.m. until further orders.

sd/-
29/01/2025

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



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VSD

TO

1 THE PRINCIPAL DISTRICT JUDGE,
TENKASI.

2 THE JUDICIAL MAGISTRATE,
TENKASI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TENKASI DISTRICT.

4 THE INSPECTOR OF POLICE,
PAVOORCHATRAM,
TENKASI DISTRICT.

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-1044[I] dated 29/01/2025)

ORDER

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Date :29/01/2025

SA/GSV/SAR. /04.02.2025/5P/7C

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