

CRL.M.P(MD)No.12954 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.12954 of 2025 in CRL.R.C.(MD)No.803 of 2025

Kalimuthu,
S/o Periyamarimuthu,
No.3/88 Kottaimedu, Kamuthi Taluk,
Ramanathapuram District.

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police, Kamuthi
Police station, Ramanathapuram District.
(Crime No. 132/2014)

Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the condition imposed in Crl.M.P.(MD)No.8561 of 2025 in Crl.R.C.(MD)No.803 of 2025 dated 28.07.2025, pending disposal of the Criminal Revision Petition.

For Petitioner
For Respondent

: Mr.M.Jegadeesh Pandian
: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.M.P.(MD)No.8561 of 2025 in CrI.R.C.(MD)No.803 of 2025, dated 28.07.2025.

2.Heard Mr.M.Jegadeesh Pandian, 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:-

a)On 22.05.2015, due to political rivalry, the accused persons have attacked P.W.2 and P.W.3 with sword and knives and caused grievous injuries. Hence, an FIR came to be registered in Crime No.132 of 2014 by the respondent Police. The respondent Police, after completing the investigation, has filed a final report against the accused under Sections 147, 148, 341, 294(b), 326, 307 r/w 120(B), 109, 114 and 149 of IPC and the case was taken on file in S.C.No.313 of 2022 by the Assistant



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Sessions Judge (Sub Court), Muthukulathur, Ramanathapuram District.

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b)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 23.04.2024 convicting the petitioner/accused No.7 for the offence under Section 148 of IPC and sentenced him to undergo 6 months rigorous imprisonment and for the offence under Section 307 r/w 149 of IPC and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 2 months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.35 of 2024 on the file of the Principal District and Sessions Judge, Ramanathapuram. The learned Principal District and Sessions Judge, Ramanathapuram, has modified the judgment to the extent that the sentence for the offence under Section 307 r/w 149 was enhanced to 7 years of rigorous imprisonment instead of 3 years of rigorous imprisonment. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case.

4.The Co-ordinate Bench of this Court, while admitting the



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Criminal Revision Case, vide order, dated 28.07.2025, had ordered suspension of sentence in Crl.M.P.(MD)No.8561 of 2025 in Crl.R.C. (MD)No.803 of 2025, with the following directions:-

“11. 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 Assistant Sessions Judge (Sub Court), Muthukulathur, Ramanathapuram District;

(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.”

5.Today, when the matter is being taken up, Mr.M.Jegadeesh Pandian, learned Counsel for the petitioner submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No. 8561 of 2025 in Crl.R.C.(MD)No.803 of 2025, dated 28.07.2025, without fail. It was further submitted that due to the aforesaid condition,

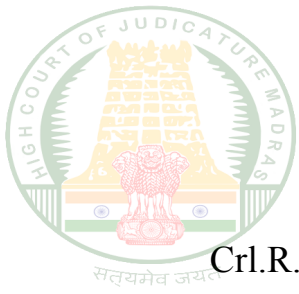


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the petitioner is not able to attend his regular work. Thus, the learned Counsel for the petitioner prays this Court that the condition No.(iii) of the order dated 28.07.2025 passed in Crl.M.P.(MD)No.8561 of 2025 in Crl.R.C.(MD)No.803 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the trial Court 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.8561 of 2025 in Crl.R.C.(MD) No.803 of 2025, dated 28.07.2025 regularly. However, he submits that the conditions imposed in Crl.M.P.(MD)No. 8561 of 2025 in Crl.R.C.(MD)No.803 of 2025, dated 28.07.2025, are justified and made objection for relaxing the condition No.(iii) of the order, dated 28.07.2025.

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 Crl.M.P.(MD)No.8561 of 2025 in



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Crl.R.C.(MD) No.803 of 2025, dated 28.07.2025 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 28.07.2025, this Court is inclined to relax the condition No.(iii) of the order dated 28.07.2025 passed in Crl.M.P.(MD)No.8561 of 2025 in Crl.R.C.(MD) No.803 of 2025, as follows:-

“The petitioner shall appear before the trial Court, 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.”

Rest of the conditions imposed in Crl.M.P.(MD)No.8561 of 2025 in Crl.R.C.(MD) No.803 of 2025, dated 28.07.2025, are unaltered.

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

22.09.2025



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To

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- 1.The Assistant Sessions Judge (Sub Court),
Muthukulathur, Ramanathapuram District.
- 2.The Principal District and Sessions Judge, Ramanathapuram.
- 3.The Inspector of Police,
Kamuthi Police station,
Ramanathapuram District.



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SHAMIM AHMED, J.

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