



CRL MP(MD) NO. 773 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-01-2025

**CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI**

**CRL MP(MD) NO. 773 of 2025
IN
CRL RC(MD) NO. 62 of 2025**

Manikandan
S/o.Murugesan, 3/28 Town Railway Nagar, Pallivilai,
Vetturnimadam Post, Agasteeswaram, Kanyakumari 629003.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Sub Inspector of Police, Vadacherry police Station,
Kanyakumari District.

Respondent(s)

For Petitioner(s):

Mr.Anand R. Advocate

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 by the learned Judicial Magistrate (Additional Mahila Court), Nagercoil, Kanyakumari District in C.C.No.258 of 2018, dated 22.03.2022,



CRL MP(MD) NO. 773 of 2025

which was confirmed in Criminal Appeal No.15 of 2022, dated 29.10.2024, by the learned Additional District Sessions Judge (Fast Track), Nagercoil, Kaniyakumari District pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.62 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.460 of 2016, came to be registered by the respondent police as against the accused for the offence under Sections 451, 294(b), 352 and 354 of IPC read with Section 4 of TNPHW Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.258 of 2018 on the file of the learned Judicial Magistrate (Additional Mahila Court), Nagercoil, Kanyakumari District.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 22.03.2022, and the trial Court sentenced the petitioner to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,500/- (Rupees Two Thousand and Five Hundred only), in default, to undergo simple imprisonment for a period of two months for the offence under



CRL MP(MD) NO. 773 of 2025

Section 451 of IPC, and to undergo simple imprisonment for a period of one month and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 352 of IPC, and to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 354 of IPC. He was acquitted by the trial Court for the offence under Section 294(b) of IPC and Section 4 of TNPHW Act, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.15 of 2022 on the file of the learned Additional District Sessions Judge (Fast Track), Nagercoil, Kaniyakumari District. By a judgment, dated 29.10.2024, the learned Additional District Sessions Judge (Fast Track), Nagercoil, Kaniyakumari District, by confirming the 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.



CRL MP(MD) NO. 773 of 2025

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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.

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 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.

10. Accordingly, this petition is allowed and the substantive sentence of



CRL MP(MD) NO. 773 of 2025

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 (Additional Mahila Court), Nagercoil, Kanyakumari 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 learned Judicial Magistrate (Additional Mahila Court), Nagercoil, Kanyakumari District once in a month i.e., on first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
23/01/2025

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

MKN

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CRL MP(MD) NO. 773 of 2025

TO

1 THE ADDITIONAL DISTRICT SESSION JUDGE,
(FAST TRACK) NAGERCOIL,
KANIYAKUMARI DISTRICT.

2 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

4 THE SUB INSPECTOR OF POLICE,
VADACHERRY POLICE STATION,
KANIYAKUMARI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.773 of 2025

IN

CRL RC(MD) NO. 62 of 2025

Date :23/01/2025

SS/VR/SAR- /03/02/2025/ 6P/6C

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