



CRL MP(MD) No.13757 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Monday, the Sixth day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.13757 of 2024

in

CRL.A.(MD)No.1115 of 2024

S.SUNIL

... PETITIONER/ APPELLANT/6th ACCUSED

Vs

**THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.**

(CRIME NO. 420/2008) ... RESPONDENT/RESPONDENT/COMPLAINANT

For Petitioner(s) : Mr. FERLIN CASTRO.P.F., Advocate

**For Respondent(s) : Mr.M.SAKTHI KUMAR,
Government Advocate(crl.side)**

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner by the learned Fast Track Mahila Camp Court,

Kuzhithurai in S.C.No.357 of 2016 dated 25.09.2024 and enlarge the petitioner on bail

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



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till the disposal of this Criminal Appeal.

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2.The case of the prosecution is that on 18.08.2008 at about 08.45 p.m., the petitioner and other accused said to have trespassed into the house of the defacto complainant and assaulted the witnesses namely, P.W.1, P.W.2 and P.W.3 and other witnesses, with Aruval and abused them with filthy language and also criminally intimidated them and caused grievous injuries. Thereafter, P.W.1 and P.W.2 were taken to the hospital, Marthandam and P.W.3 was taken to Manju Hospital, Marthandam. Thereafter, the defacto complainant gave a complaint before the first respondent Police.

3.On receipt of the complaint, the respondent Police registered a case in Crime No.420 of 2008 for the offence under Sections 147, 148, 452, 324, 323, 294(b), 497, 326 and 307 of IPC, against the petitioner and other accused. The respondent Police, after completing the investigation has filed the final report and the same was taken on file in P.R.C.No.56 of 2016, by the learned Judicial Magistrate No.1, Kuzhithurai. Thereafter, the same was committed to the learned Fast Track Mahila Camp Court, Kuzhithurai, and taken on file in S.C.No.357 of 2016.

4.During the trial, the prosecution has examined 16 witnesses as P.W.1 to P.W.16 and exhibited 23 documents as Ex.P.1 to Ex.P.23 and marked M.O.1 to M.O.12. On the side of the accused, neither a document was produced nor a witness



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was examined.

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5.The learned Fast Track Mahila Camp Court, Kuzhithurai, after full-fledged trial has passed the judgment in S.C.No.357 of 2016, dated 25.09.2024, and convicted the petitioner for the offence under Section 147 of IPC sentenced to undergo one year Rigorous Imprisonment and to pay fine of Rs.1000/-, in default to undergo three months Rigorous Imprisonment, for the offence under Section 452 of IPC and sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months Simple Imprisonment, and acquitted the petitioner for the offence under Sections 294(b) and 506(ii) of IPC. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioner submitted that the only allegation against the petitioner is that he kicked the injured witness. He further submitted that the sentence imposed on the petitioner was suspended by the trial Court. Hence, he seeks the suspension of sentence of imprisonment in favour of the petitioner.

7.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.



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8.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the fact that the sentence imposed on the petitioner was suspended by the trial Court and there was no antecedent against the petitioner and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence. So far as the submission of the learned Additional Public Prosecutor that the other accused has previous cases, shall be considered at the time of their suspension petition.

10.Accordingly, the relief of suspension of sentence is granted to the the petitioner on the following conditions:-

(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 Fast Track Mahila Camp Court, Kuzhithurai;

(ii)The sureties shall affix her photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure her identity; and



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(iii) The petitioner shall appear before the trial Court

daily at 10. 30. a.m., till the disposal of the appeal.

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

VSG

TO

1 THE JUDGE,
FAST TRACK MAHILA CAMP COURT,
KUZHITHURAI.

2 THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.P.F.FERLIN CASTRO, Advocate (SR-219[I] dated 08/01/2025)

ORDER IN

CRL.M.P.(MD)No.13757 of 2024

in

CRL.A.(MD)No.1115 of 2024

Date :06/01/2025

SA/SKN/SAR. /17.01.2025/5P/5C

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