



Crl.M.P.(MD)No.14002 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.14002 of 2025

in

Crl.A(MD)No.842 of 2023

1.Udaiyar

2.Selvasudalai @ Selvam

: Petitioners/A1 and A3

Vs.

State of Tamil Nadu rep. by the Inspector of Police,
Elathur Police Station,
Tenkasi District.
Crime No.130 of 2015.

: Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed in S.C.No.648 of 2017 on the file of learned Additional District and Sessions Court (FTC), Tenkasi, dated 07.08.2023 and enlarge the petitioners/appellants on bail pending disposal of the above appeal.

For Petitioners : Mr.A.Arputharaj,

For Respondent : Mr.K.Gnanasekaran,
Government Advocate (criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in S.C.No.648 of 2017 on the file of learned Additional District and Sessions Court (FTC), Tenkasi, dated 07.08.2023 and enlarge the petitioners/appellants on bail pending disposal of the above appeal.

2. The case of the prosecution is that, on 03.06.2015 at about 10:30 p.m., when the defacto complainant was closing his shop, the accused persons came there and asked for cool drinks, beedis, and matchbox on credit; that the victim refused to give them on credit; due to which, the accused persons abused the complainant in filthy language and threatened him, saying that he could not reside in the locality and that thereafter, the complainant closed his shop and went away for a short distance, the accused persons set fire to the roof of his shop. On noticing the fire, the complainant shouted for help and upon hearing his noise, all the accused persons ran away from the spot; that one Krishnan (P.W.2) and Murugesan came there and helped to extinguish the fire. As a result, soda bottles and a tray were damaged and the thatched roof of the shop was completely burnt causing



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damages to the tune of Rs.2,000/-. On the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.130 of 2015 for the offences under Sections 294(b), 506(1) IPC and Section 4 of TNPPDL Act.

3. The respondent police, after completing the investigation, has filed the charge sheet and the same was taken on file in PRC.No.11 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Sengottai; after complying with the necessary mandatory requirements, the case was committed to the Court of the Sessions and the case was taken on file in S.C.No.648 of 2017 on the file of the Principal District and Sessions Court, Tirunelveli and that subsequently, the case was made over to the I Additional District and Sessions Court (FTC) Tenkasi.

4. During trial, the prosecution examined 7 witnesses as P.W.1 to P.W.7 and exhibited 8 documents as Ex.P.1 to Ex.P.8 and four material objects were marked as M.O.1 to M.O.4. Whereas, the defence had adduced neither oral nor documentary evidence.



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5. The learned Sessions Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 07.08.2023 convicting the petitioners/accused for the offence under Section 294(b) IPC and sentenced them to undergo one month and to pay a fine of Rs.1,000/-, each in default, to undergo one month simple imprisonment; for the offence under Section 506(i) IPC and sentenced them to undergo two months simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo one month simple imprisonment and for the offence under Section 4 of TNPPDL Act, sentenced them to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- each in default, to undergo six months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. It is evident from the records that the sentence imposed by the trial Court was suspended on the date of judgment i.e., 07.08.2023 for a period of one month. But the petitioners/appellants filed the present appeal on



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01.09.2023 and this Court in Crl.M.P(MD)No.13156 of 2023, taking note of the fact that after the expiry of the suspension period, the appellants have not surrendered before the trial Court, dismissed the petition on 21.03.2025.

7. The learned Government Advocate (Criminal Side) appearing for the State would submit that subsequent to the dismissal of the suspension petition, warrant came to be issued and the same was executed as against the accused 1 and 3/petitioners herein, and they are in prison since 17.09.2025. He would also submit that the petitioners/appellants are not having any previous cases; that the second appellant/second accused is still absconding and hence, he strongly opposed to grant suspension of sentence.

8. The learned counsel appearing for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have already paid the fine amount.

9.This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioners as well as the learned



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Government Advocate (Criminal side) appearing for the State and also perused the materials available on record.

10. The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and considering the health issues, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

11. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions :

(i) the petitioners are directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge (FTC), Tenkasi ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;



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(iii) The petitioners shall appear before the trial Court in alternative weeks ie., on the first and third Monday of every Month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

31.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Additional District and Sessions Judge (FTC),
Tenkasi.
- 2.The Inspector of Police,
Elathur Police Station,
Tenkasi District.
- 3.The Superintendent of Police,
Central Prison, Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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