



CRL MP(MD). No.19334 & 19335 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **09/12/2025**

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). Nos.19334 & 19335 of 2025
in
CRL RC(MD)No.1534 of 2025

1. G.Varatharajan
S/o. Govindan

2. V.Inbamani
W/o. Varatharajan

3. V.Rajaraman
S/o. Varatharajan

4. V.Venkatramna
S/o. Varatharajan

... Petitioners

Vs

The State of Tamilnadu Rep By
The Inspector Of Police,
VallamPolice Station
Thanjavur District.
Crime No.368/2011

... Respondent

PRAYER in CrI.M.P.(MD).No.19334 of 2025 :-

To Suspend the Sentence passed by the Learned 2nd Additional District and Sessions Judge, Thanjavur in CrI.A.No.142 of 2018 dated 15.09.2025, by confirming the judgment of conviction and sentence



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passed by the Learned Additional Assistant Sessions Judge, Thanjavur in S.C.No.257 of 2012 dated 25.10.2018 and enlarge the petitioners on bail pending disposal of the above appeal.

PRAYER in CrI.M.P.(MD).No.19335 of 2025 :-

To Exempt from surrendering before the trial court pertaining to the impugned judgment of conviction and sentence passed by the Learned 2nd Additional District and Sessions Judge, Thanjavur in CrI.A.No.142 of 2018 dated 15.09.2025, by confirming the judgment of conviction and sentence passed by the Learned Additional Assistant Sessions Judge, Thanjavur in S.C.No.257 of 2012 dated 25.10.2018 and enlarge the petitioners on bail pending disposal of the above appeal.

For Petitioners : Mr. G.Karuppasamypandiyan
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

Heard Mr.G.Karuppasamypandiyan, learned Counsel for petitioners and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, who accepts notice on behalf of Respondent.



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2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioners by Additional Assistant Sessions Judge, Thanjavur, in S.C.No.257 of 2012 vide order dated 25.10.2018, which was confirmed by 2nd Additional District and Sessions Judge, Thanjavur in Crl.A.No.142 of 2018, vide order dated 15.09.2025 and to exempt the petitioners from surrendering before the Court below.

3.Learned counsel for petitioners would submit that petitioners were convicted by Additional Assistant Sessions Court, Thanjavur for offences punishable under Sections 294(b), 323, 324, 326, 506(2) and 307 of IPC in S.C. No.257 of 2018 dated 25.10.2018 as follows:

(i) The 1st petitioner/Accused No.1 is found guilty for the offence u/s 324 of IPC and he is convicted and sentenced to undergo SI for six months and to pay a fine amount of Rs.1000/-, in default of which, to; undergo SI for one month.

(ii) The 1st and 2nd petitioners/A1 & A2 are convicted for offence u/s.326 r/w 34 of IPC and sentenced to undergo SI for each 2 years and to pay a fine amount of each Rs.1500/- in default 3 months SI.



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(iii) The 1st and 2nd petitioners/A1 & A2 are convicted U/s. 307 r/w. 34 of IPC and sentenced to undergo Simple imprisonment for each 2 years and to pay a fine amount of Each Rs. 1500/- in default 3 months simple imprisonment.

(iv) The 3rd petitioner/A3 was convicted U/s. 326 of IPC and sentenced to undergo Simple imprisonment for 3 years and fine amount of each Rs.3000/- in default 6 months simple imprisonment and A3 was convicted u/s.307 r/w.34 of IPC to undergo simple imprisonment for 3 years and fine amount of each Rs.3000/- in default 6 months simple imprisonment.

(v) The 4th petitioner/4th accused was convicted under section 307 of IPC and sentenced to undergo Simple imprisonment for 3 years and fine amount of each Rs.3000/- in default 6 months simple imprisonment and A4 was convicted under section 326 r/w.34 of IPC sentenced to undergo simple imprisonment for 3 years and fine amount of each Rs.3000/- in default 6 months simple imprisonment.

(vi) Total fine amount of A1 is Rs.4000/- A2 Rs.3000/- A3 Rs.6000/- A4 Rs.6000/- and the detention period already undergone by the accused was ordered to be set off under section 428 of Cr.P.C.



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Aggrieved, petitioners filed Criminal Appeal No.142 of 2018, before IInd Additional District and Sessions Judge, Thanjavur and the lower Appellate Court vide order dated 15.09.2025, dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, petitioners filed present Criminal Revision Petition in Crl.RC(MD)No.1534 of 2025 before this Court along with instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

4. Learned Counsel for petitioners would further submit that petitioners have raised substantial grounds in the above revision, which requires consideration; and further submits that there had been certain issues between the parties regarding the fencing of the property during the six months preceding the alleged occurrence, which took place on 26.10.2011. He further submits that the incident was not premeditated, that there are no antecedents, and that the evidence adduced is inadequate inasmuch as the X-ray, which is relevant to the case, has not been marked. He further submit that the petitioners have also paid fine amount as per the order of the trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioners.



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5. Learned Additional Public Prosecutor appearing for respondent opposed the submissions of learned counsel for petitioners and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioners at this stage be refused by this Court.

6. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case for that it is also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and exempt the petitioners from surrendering before the trial court, on the following conditions, till the disposal of above Criminal Revision:

i) The petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the II Additional District and Sessions Judge, Thanjavur;

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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ii) The petitioners and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

iii) The petitioners shall appear and sign before the II Additional District and Sessions Judge, Thanjavur, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, if the petitioners are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

09.12.2025

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Note:

Issue Order Copy on 10.12.2025.



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MOHAMMED SHAFFIQ, J

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To

1. The II Additional District and Sessions Judge, Thanjavur.
2. The Additional Assistant Sessions Judge,
Thanjavur.
3. The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Thro Cr.No.368/2011).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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in

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Date : 09/12/2025

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