



Crl.MP(MD)No.18460 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2025**

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THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

Crl.MP(MD)No.18460 of 2025

in

Crl.RC.(MD)No.1478 of 2025

Mohammed

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Malli Police Station,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438 r/w.528 of B.N.S.S. praying to suspend the sentence imposed upon the petitioner by judgment in C.C.No.601 of 2022, dated 11.09.2023 on the file of the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, which was confirmed by the judgment in Crl.A.No.136 of 2023, dated 04.08.2025 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, pending disposal of the above Criminal Revision Case.



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For Petitioner : Mr.M.Thirunavukkarasu
For Respondent : Mr.M.Karunanithi
Government Advocate

ORDER

Heard Mr.M.Thirunavukkarasu, learned Counsel for the Revision Petitioner and Mr.M.Karunanithi, learned Government Advocate, who accepts notice on behalf of the Respondent.

2. Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed on petitioner by Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, in C.C.No.601 of 2022, dated 11.09.2023, which was confirmed by the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in Crl.A.No.136 of 2023, dated 04.08.2025.

3. Learned counsel for petitioner would submit that petitioner was convicted by Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, for offence under Sections 279 and 304(A) of IPC and sentenced him as follows:



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(i) to undergo two years Rigorous Imprisonment for each count and to pay a fine of Rs.5,000/- for each count and in default to undergo Simple Imprisonment for a period of one month for the offence under Section 304(A) of IPC.

(ii) to undergo six months Rigorous Imprisonment and to pay a fine of Rs.1,000/- and in default to undergo Simple Imprisonment for a period of one month for offence under Section 279 of IPC.

4. Aggrieved, petitioner filed Criminal Appeal No.136 of 2023, before Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, and lower Appellate Court vide order dated 04.08.2025, dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, petitioner filed present Criminal Revision Petition in CrI.R.C(MD)No.1478 of 2025 before this Court along with instant miscellaneous petition seeking suspension of sentence and bail.

5. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in above revision, which



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requires consideration; and that he also paid fine amount as per the order of trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioner.

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

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

i) Petitioner is directed to be enlarged on bail on his 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 Chief



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Judicial Magistrate, Virudhunagar at Srivilliputhur;

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ii) Petitioner 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) Petitioner shall appear and sign before learned Chief Judicial Magistrate, Virudhunagar at Srivilliputhur, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, if petitioner is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.



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8. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

10.12.2025

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Note: Issue Order Copy on 11.12.2025.

To:

1. The Principal District and Sessions Court, Virudhunagar District at Srivilliputhur.
2. The Chief Judicial Magistrate, Virudhunagar at Srivilliputhur.
3. The Inspector of Police,
Malli Police Station,
Srivilliputhur Taluk,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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MOHAMMED SHAFFIQ, J.

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Order made in
Crl.MP(MD)No.18460 of 2025
in
Crl.RC.(MD)No.1478 of 2025

Dated: 10.12.2025