



*Crl.MP(MD)No.14944 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

**Crl.MP(MD)No.14944 of 2025**

**in**

**Crl.RC.(MD)No.1352 of 2025**

S.Jeyakannan  
S/o. Subburaj, Door No. B 67, TNHB  
Kudiyiruppu,  
Sivakasi West, Sivakasi Taluk, Virudhunagar  
District.

Petitioner(s)

Vs

1.Jeyachitra  
W/o. Jeyakannan,  
  
2.Minor. Varun Krishna,  
S/o. Jeyachitra,  
(Minor 2nd respondent represented by his mother  
S. Jeyachitra)

Both are residing at  
No.2/1524-P,  
Ramasamy Nagar,  
Siththurajapuram,  
Sivakasi Taluk,  
Virudhunagar District.

... Respondent



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Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence imposed by the learned Judicial Magistrate No.I, Sivakasi in Crl M.P.No.1711 of 2018 dated 09.10.2025 and release the Revision Petitioner from the judicial custody by pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.K.K.Samy

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the petitioner in Crl M.P.No.1711 of 2018 dated 09.10.2025 on the file of the learned Judicial Magistrate No.I, Sivakasi.

2. Heard Mr.K.K.Samy, learned counsel for the Revision Petitioner.

3. Mr.K.K.Samy, learned counsel for the Petitioner submits that the Petitioner is the husband and the 1<sup>st</sup> Respondent is the wife. The marriage between the Petitioner and the Respondent was solemnized on

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12.02.2014. The 2<sup>nd</sup> Respondent is their son. The 1<sup>st</sup> Respondent Respondent filed Maintenance Case before the learned Judicial Magistrate No.I, Sivakasi in M.C.No.35 of 2015 under Section 125 of Cr.P.C seeking maintenance and the Trial Court vide order dated 01.03.2017 awarded Rs.5,000/- to the 1<sup>st</sup> Respondent and Rs.5,000/- to the 2<sup>nd</sup> Respondent, totalling Rs.10,000/- per month, as maintenance allowance and also ordered to return the things belonging the 1<sup>st</sup> Respondent and further directed the Revision Petitioner to pay Rs.10,00,000/- (Rupees Ten Lakh only) as compensation to the 1<sup>st</sup> Respondent. The divorce petition in H.M.O.P.No.165 of 2015 was also decreed vide order dated 14.08.2016 on the file of the learned Sub Court, Sivakasi. Thereafter, the Revision Petitioner married another woman and leads the matrimonial life at Chennai.

4. The learned Counsel for the Revision Petitioner submits that the 1<sup>st</sup> Respondent has moved an application in Cr.M.P.No.1711 of 2018 seeking to execute the award passed by the learned Judicial Magistrate No.I, Sivakasi, dated 01.03.2017 in M.C.No.35 of 2015 and the Trial

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Court vide order dated 09.10.2025, directed the Revision Petitioner to pay maintenance to the Respondents from August 2015 till date totalling Rs.12,20,000/- after deducting Rs.50,000/- which was already paid, the balance arrears amount towards maintenance is Rs.11,70,000/- and Rs.10,00,000/- as compensation. Further, the Trial Court has sentenced the Revision Petitioner to undergo 15 days simple imprisonment for each month's default, totaling 58 months and 15 days, for non-payment of arrears for 117 months or until payment of arrears of maintenance up to the date of release, whichever is earlier. Aggrieved against the same, the Revision Petitioner has filed the Criminal Revision Petition along with the instant miscellaneous petition, seeking suspension of sentence and bail. Although the Revision Petitioner was not arrested earlier, pursuant to the impugned order dated 09.10.2025, he has been arrested and has been confined in jail since 09.10.2025.

5. When the Criminal Revision Petition came up for hearing on 17.10.2025, this Court directed the Revision Petitioner to deposit 50% of the arrears amount towards maintenance ie.,Rs.5,85,000/- (Rupees Five

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Lakh and Eighty Five Thousand only) to the credit of Crl.M.P.No.1711 of 2018 on the file of the Judicial Magistrate No.I, Sivakasi.

6. Today, when the matter is being taken up, in compliance with the order dated 17.10.2025 passed by this Court in the Criminal Revision Petition, the learned counsel for the Revision Petitioner submits that the Revision Petitioner has deposited 50% of the arrears amount towards maintenance ie., Rs.5,85,000/- (Rupees Five Lakh and Eighty Five Thousand only) to the credit of Crl.M.P.No.1711 of 2018 on the file of the Judicial Magistrate No.I, Sivakasi. In this regard, the learned Counsel has produced the deposit receipt, Receipt No. 241505, before this Court, which has been taken on record.

7. The learned counsel for the Revision Petitioner submits that the Revision Petitioner has shown his bonafide by depositing the amount as directed by this Court vide order dated 17.10.2025. He further submits that, apart from the maintenance amount, the Revision Petitioner was also directed to pay Rs. 10,00,000/- towards compensation to the 1st

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Respondent. As the financial condition of the Revision Petitioner is not good, and he has been confined in jail since 09.10.2025, the learned Counsel for the Revision Petitioner submitted that if the Revision Petitioner is granted bail and released from jail, he will deposit 50% of the compensation amount, i.e., Rs. 5,00,000/- (Rupees Five Lakh only), to the credit of Crl.M.P. No. 1711 of 2018 on the file of the Judicial Magistrate No. I, Sivakasi, within three weeks after his release from jail.

8. The learned Counsel for the Revision Petitioner also assures this Court that the Revision Petitioner will pay Rs.10,000/- (Rupees Ten Thousand only) per month as maintenance to the Respondents, as per the order of the Trial Court, from the month of November 2025 onwards, without fail, after his release from jail. He submits that the relief of suspension of sentence and bail may be granted, as failure to do so would cause great hardship to the Revision Petitioner. The Revision Petitioner is ready to comply with all conditions imposed by this Court.



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9. It was further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this criminal revision case will be finally heard and decided. He further submits that there are arguable points in this Revision and the Revision Petitioner has fair chance of success in this Criminal Revision Case. Thus, he prayed for suspension of sentence and be released on bail, till the disposal of this Criminal Revision Petition.

10. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the revision petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. The revision petitioner undertakes that, in case, he is

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released on bail, he will not misuse the liberty of bail and will cooperate in disposal of revision.

11. Considering the arguments advanced by the learned counsel for the Revision Petitioner, this Court observed that when the accused have been under incarceration for sometime and when there are points in the revision, which favour the accused and has made compliance of the direction passed by this Court then the courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India in the case of ***Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.

12. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of



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the view that the Revision petitioner is entitled to the relief of suspension of sentence and bail.

13. After considering the arguments as advanced by the learned Counsel for the Revision Petitioner and that the Revision Petitioner has shown his bonafide by complying the order dated 17.10.2025 passed by this Court and deposited Rs.5,85,000/- (Rupees Five Lakh and Eighty Five Thousand only) towards maintenance, to the credit of Crl.M.P.No. 1711 of 2018 on the file of the Judicial Magistrate No.I, Sivakasi and the assurance made by the learned Counsel for the Revision Petitioner that after releasing from jail, the Revision Petitioner will deposit 50% of the compensation amount ie., Rs.5,00,000/- before the Trail Court, within three weeks from the date of release, this Court is inclined to grant suspension of sentence and bail to the Revision Petitioner.

14. Further, the relief of suspension of sentence and bail is granted to the Revision Petitioner, namely S.Jeyakannan, son of Subburaj, on the following conditions:

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- (i) The Revision petitioner is ordered to be released on bail on his executing a personal bond along with two sureties for a sum of Rs.10,000/- each subject to furnishing undertaking that he will co-operate in the hearing of the present Revision.
- (ii) The Revision 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; and;
- (iii) The Revision Petitioner shall appear before the learned Judicial Magistrate No.I, Sivakasi, once in every month, ie., on the first working day, commencing from the month of November 2025, at 10.30 a.m., until further orders.

15. On acceptance of his bail bonds and sureties, the learned trial court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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16. Further, in view of the assurance made by learned Counsel for the Revision Petitioner, this Court directs the Revision Petitioner to deposit 50% of the compensation amount ie.,Rs.5,00,000/- (Rupees Five Lakh only) to the credit of Crl.M.P.No.1711 of 2018 on the file of the Judicial Magistrate No.I, Sivakasi, within a period of three weeks from the date of release of the Revision Petitioner from jail. The learned counsel is also directed to produce the deposit receipt before this Court by way of supplementary affidavit on the next date of of hearing.

17. Further, the Revision Petitioner shall also pay Rs.10,000/- (Rupees Ten Thousand only) per month as maintenance to the Respondents, as per the order of the Trial Court, from the month of November 2025 onwards, without fail, and the amount shall be paid on or before the 10<sup>th</sup> of every month, till further orders or till the disposal of the Criminal Revision Petition.



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18. The 1<sup>st</sup> Respondent is permitted to file an application before the trial Court for withdrawal of Rs.5,85,000/- (*Rupees Five Lakh and Eighty Five Thousand only*) which was already deposited by the Revision Petitioner towards 50% of the maintenance amount, to the credit of Crl.M.P.No.1711 of 2018 on the file of the learned Judicial Magistrate No.I, Sivakasi. Upon receipt of such application, the Judicial Magistrate No.I Court, Sivakasi, is directed to process the same and release the aforesaid amount to the 1<sup>st</sup> Respondent within a period of ten (10) days from the date of receipt of the application.

19. With the above directions, this Criminal Miscellaneous Petition is **ordered**.

**29.10.2025**

**Nsr**

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**Note: Issue Order Copy on 30.10.2025**

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To:

1. The Judicial Magistrate No.I Court, Sivakasi.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SHAMIM AHMED, J.**

Nsr

Order made in  
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Dated: 29.10.2025