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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11-12-2025

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NOs. 19597 and 19600 of 2025

IN

CRL RC(MD) NO. 1567 OF 2025

Pandian

Petitioner(s)
for both cases

Vs

1. State of Tamilnadu Rep. by
The Sub-Inspector of Police,
Velayuthapattinam Police Station,
Velayuthapattinam,
Sivagangai District.
(In Crime No. 17 of 2023)

Respondent(s)
for both cases

For Petitioner(s):

Mr.C.Jeya Prakash
for both cases

For Respondent(s):

Mr.M.Karunanithi
Government Advocate (Crl.Side)
for both cases

Prayer for CRL MP(MD) NO. 19597 of 2025:

To Suspend the Sentence passed in C.A.No.30 of 2024 on the file of the Learned Fast Track Mahila Court, Sivagangai dated 08.09.2025 confirming the judgment dated 20.03.2024 passed in C.C.



No. 144 of 2023 on the file of the Learned Judicial Magistrate, Devakottai and release the petitioner/appellant on bail pending disposal of the above criminal revision petition.

Prayer for CRL MP(MD) NO. 19600 of 2025:

To Exempt the petitioner from surrendering in in C.A.No.30 of 2024 on the file of the Learned Fast Track Mahila Court, Sivagangai dated 08.09.2025 confirming the judgement dated 20.03.2024 passed in C.C. No. 144 of 2023 on the file of the learned Judicial Magistrate, Devakottai.

COMMON ORDER

Heard Mr.C.Jeya Prakash, learned Counsel for the Petitioner and Mr.M.Karunanithi, learned Government Advocate (Crl.Side), who accepts notice on behalf of the Respondent.

2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioner by Judicial Magistrate, Devakottai, in C.C.No.144 of 2023, dated 20.03.2024, which was confirmed by Sessions Judge, Fast Track Mahila Court, Sivagangai in C.A.No.30 of 2024, dated 08.09.2025 and to exempt the petitioner from surrendering before the Court below.



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3. Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate, Devakottai for offence under Sections 448 and 354A(1)(i) IPC and sentenced him to undergo Simple Imprisonment for one year for the offence under Section 448 of IPC and also sentenced him to undergo Rigorous Imprisonment for two years for the offence under Section 354A(1)(i) of IPC and lower Appellate Court vide order dated 08.09.2025, dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, petitioner filed present Criminal Revision Petition in CrI.RC(MD)No.1567 of 2025 before this Court along with instant miscellaneous petitions seeking suspension of sentence and bail and exemption from surrender.

4. Learned Counsel for petitioner would further submit as follows:

(i) that it was alleged that petitioner trespassed into house of defacto complainant around 11.30 p.m. on 07.05.2023 and dragged her leg while she was asleep. Alarmed, defacto complainant switched on the light and found the petitioner scaling over the compound wall. However, the Courts below failed to note that as per the evidence of P.W.4, P.W.5



and P.W.6, alleged occurrence took place outside the house, which is contradictory to the evidence of P.W.1;

(ii) P.W.4 had also stated that defacto complainant was physically attacked and sustained injury in the neck contrary to the evidence of defacto complainant. The above contradictions were not taken note of by the Courts below.

He would also submit that petitioner has raised substantial grounds in above revision, which requires consideration. Hence, he prayed for granting suspension of sentence and bail to petitioner and exemption from surrender.

5. Learned Government Advocate (Crl.Side) 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.

6. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the



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case and 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 petitioner from surrendering before the trial court, 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 **Judicial Magistrate, Devakottai**;

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 Judicial Magistrate, Devakottai, on the first working day of every month at 10.30 a.m., until the disposal of revision;

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



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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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

11-12-2025

LR

Note: Issue order copy on 26.12.2025



To

1. The Judicial Magistrate, Devakottai.

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2. State of Tamilnadu Rep. by
The Sub-Inspector of Police,
Velayuthapattinam Police Station,
Velayuthapattinam
Sivagangai District.