



Crl.MP(MD)Nos.20057 and 20059 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)Nos.20057 and 20059 of 2025

in

Crl.RC.(MD)No.1613 of 2025

Kennedy @ John Kennedy

... Petitioner

Vs.

The State Of Tamilnadu,
Rep., by the Inspector Of Police,
Sivakasi East,
Sivakasi East Police Station,
Virudhunagar District.
Crime No. 1065 of 2009

... Respondent

PRAYER in Crl.M.P.(MD).No.20057 of 2025 :-

To Suspend the Sentence passed by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No. 46 of 2020 dated 13.10.2025, by confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District in C.C.No.16 of 2017 dated 07.03.2020 pending disposal of the main criminal revision petition.



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PRAYER in Crl.M.P.(MD).No.20059 of 2025 :-

To Exempt form surrendering before the trial court pertaining to the impugned judgment of conviction and sentence passed by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No. 46 of 2020 dated 13.10.2025, by confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District in C.C.No.16 of 2017 dated 07.03.2020 pending disposal of the main criminal revision petition.

For Petitioner : Mr.V.Abilash Shankar

For Respondent : Mr.P.Kottaichamy
Government Advocate

ORDER

Heard Mr.V.Abilash, learned Counsel appearing for the petitioner and Mr.P.Kottaichamy, learned Government Advocate, who accepts notice on behalf of the respondent.

2. This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon the petitioner by the learned learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District in C.C.No.16 of 2017 dated 07.03.2020, which was confirmed by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar



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District in Crl.A.No. 46 of 2020 dated 13.10.2025 and to exempt the petitioner from surrendering before the Court below.

3. Learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District for the offences punishable under Sections 498A of IPC and 494 of IPC in C.C No.16 of 2017, dated 07.03.2020, and (i) sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1000/-, in default to undergo two months simple imprisonment, for offence under Section 498(A) of IPC; (ii) sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1000/-, in default to undergo two months simple imprisonment, for offence under Section 494 of IPC. Aggrieved petitioner filed Criminal Appeal No.46 of 2020, before the learned Sessions Judge, Srivilliputhur and the lower Appellate Court vide order dated 13.10.2025, dismissed the appeal confirming the judgment passed by Trial Court. Challenging the above conviction and sentence, petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1613 of 2025 before this Court along with the



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instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

4. Learned Counsel for the petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration. He further submit that the Court below failed to see that there was no concrete material to show that the petitioner herein had married Chandrakala. He would further submit that there is a gross mis-direction in law by the lower Court below. Hence, he prayed for granting suspension of sentence to the petitioner.

5. Learned Government Advocate appearing for the respondent has opposed the submissions made by the learned counsel for the petitioner and submits that the judgments passed by both the Courts are as per law after considering the entire evidence, thus the relief sought by the 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 case and that it is likely to take a while before the revision is finally



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heard, 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 the above Criminal Revision: :

i) The 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-II, Sivakasi, Virudhunagar District;

ii) The 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) The petitioner shall appear and sign before the learned Judicial Magistrate-II, Sivakasi, Virudhunagar District on first working day of every week at 10.30 a.m., until the disposal of the revision;

iv) In case, if the 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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7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

16.12.2025

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To:

1. The Judicial Magistrate No.II, Sivakasi.
2. The Additional District and Sessions Judge, Srivilliputhur
3. The Inspector Of Police,
Sivakasi East,
Sivakasi East Police Station,
Virudhunagar District.
Crime No. 1065 of 2009
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

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MOHAMMED SHAFFIQ, J.

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