



Crl.MP(MD)Nos.20584 and 20587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)Nos.20584 and 20587 of 2025

in

Crl.RC.(MD)No.1672 of 2025

Marathal

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Sub-Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.37 of 2014)

... Respondent

Prayer in Crl.M.P(MD)No.20584 of 2025:

To suspend the sentence imposed upon the petitioner made in C.C.No.279 of 2014 on the file of learned Judicial Magistrate Court, Uthamapalayam, dated 22.06.2022 and confirmed vide judgment made in Crl.A.No.67 of 2022 on the file of Principal Sessions Judge, Theni, dated 11.12.2025 pending disposal of the subject Criminal Revision Petition.

Prayer for Crl.M.P(MD)No.20587 of 2025:

To exempt the petitioner from surrender pursuant to the conviction and sentence imposed upon the petitioner C.C.No.279 of 2014 on the file of learned Judicial Magistrate Court, Uthamapalayam, dated 22.06.2022 and confirmed vide judgment made in Crl.A.No.67 of 2022 on the file of Principal Sessions Judge, Theni, dated 11.12.2025 pending disposal of the main criminal revision petition.



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For Petitioner : Mr.M.Arikaran

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

Heard Mr.M.Arikaran, learned Counsel for the Revision Petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, who accepts notice on behalf of the Respondent.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate Court, Uthamapalayam, in C.C.No.279 of 2014, dated 22.06.2022, which was modified and partly allowed by Principal Sessions Judge, Theni in Crl.A.No.67 of 2022, dated 11.12.2025 and to exempt the petitioner from surrendering before the Court below.

3. Learned counsel for petitioner would submit that petitioner was convicted and sentenced by Judicial Magistrate Court, Uthamapalayam, in C.C.No.279 of 2014, dated 22.06.2022 for the following offences:



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“to undergo Simple Imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- in default of payment, to undergo Simple Imprisonment for a period of 2 months, for offence under Section 326 of IPC.”

3.1. Aggrieved, petitioner filed Criminal Appeal No.67 of 2022 before Principal Sessions Judge, Theni. The lower Appellate Court confirmed the conviction under Section 326 IPC but reduced the sentence of imprisonment from 3 years Simple Imprisonment to 3 months Simple Imprisonment and with regard to the fine, the same is ordered to be confirmed. Hence, vide order dated 11.12.2025, the lower Appellate Court partly allowed the appeal and modified the judgment passed by Trial Court as follows:

“In the result, the criminal appeal is partly allowed. The judgment and conviction passed by the learned Judicial Magistrate, Uthamapalayam in C.C.No.279 of 2014, dated 22.06.2022 is confirmed.

With respect to the sentence imposed by the trial Court is modified and reduced to 3 months simple imprisonment for offence under Section



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326 IPC and the fine already imposed Rs.5,000/- is confirmed. The period already undergone by the accused is ordered to be set-off.”

3.2. Aggrieved, petitioner filed present Criminal Revision Petition in Crl.RC(MD)No.1672 of 2025 before this Court along with instant miscellaneous petition seeking suspension of sentence, bail and exemption from surrender.

4. Learned Counsel for petitioner would further 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.

5. Learned Additional Public Prosecutor 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.



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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 also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence, bail 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 her 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 Judicial Magistrate Court, Uthamapalayam.

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 Court, Uthamapalayam, 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, she 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 her absence, as directed by the trial Court.

7. Accordingly, these Criminal Miscellaneous Petitions are **ordered.**

19.12.2025

Nsr

Note: Issue Order Copy on 07.01.2026.

To:

- 1.The Principal Sessions Judge, Theni.
- 2.The Judicial Magistrate Court, Uthamapalayam.
- 3.The Sub-Inspector of Police,
Uthamapalayam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
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Dated: 19.12.2025