



CRL MP(MD) NO. 151 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 151 of 2025

IN

CRL RC(MD) NO. 24 OF 2025

Arunkumar @ Kumar
S/o. Ramakrishnan,
2/344, A. Thiruvallur Street,
Aruguvilai, Nagercoil,
Kanniyakumari District and another

Petitioner(s)

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No. 559/2020.)

Respondent(s)

For Petitioner(s) : Mr.J.Senthil Kumaraiah, Advocate

For Respondent(s) : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence



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passed against the petitioners by the learned Judicial Magistrate No.II, Nagercoil in C.C.No.421 of 2021, dated 27.07.2022, which was modified in Criminal Appeal No.42 of 2022, dated 30.10.2024, by the learned Additional District and Sessions Judge (Fast Track), Nagercoil, pending disposal of the Criminal Revision Case in Crl.R.C.(MD) No.24 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.559 of 2020, came to be registered by the respondent police as against the accused for the offence under Sections 294(b), 323 and 506(i) of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.421 of 2021 on the file of the learned Judicial Magistrate No.II, Nagercoil.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 27.07.2022, and the trial Court sentenced the 1st accused to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of ten days for the offence under Section 324 of IPC, and sentenced the 2nd accused to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of ten days for the offence under



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Section 324 of IPC, and the 1st accused was acquitted for the offence under Sections 294(b), 323 and 506(ii) of IPC and the 2nd accused was acquitted for the offence under Sections 294(b) and 506(ii) of IPC.

5. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in Criminal Appeal No.42 of 2022 on the file of the learned Additional District and Sessions Judge (Fast Track), Nagercoil. The learned Additional District and Sessions Judge (Fast Track), Nagercoil, by modifying the sentences imposed on both the petitioners by the learned Judicial Magistrate No.II, Nagercoil in C.C.No.421 of 2021 dated 27.07.2022, partly allowed the appeal. Accordingly, the sentence imposed on the petitioners for the offence under Section 324 of IPC was reduced from one year of rigorous imprisonment to six months of rigorous imprisonment. Being dissatisfied with the said conviction and sentence, the petitioners have preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Additional Public Prosecutor appearing for the respondent submitted that there are enough materials available on record against the petitioners



and hence, he opposed to grant suspension of sentence.

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8. This Court has carefully considered the submissions made by the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioners pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and



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(iii) The petitioners shall appear before the learned Judicial Magistrate No.II, Nagercoil once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
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/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

To

- 1.The Additional District and Sessions Judge,
(Fast Track), Nagercoil.
- 2.The Judicial Magistrate No.II,
Nagercoil.
- 3.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 4.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.
(Call for records)

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-468[I] dated 10/01/2025)

ORDER

IN

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Date :08/01/2025

ED/ GSV /SAR- (23/01/2025) 6P / 7C

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