



CRL MP(MD) NO. 58 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 58 of 2025

IN

CRL RC(MD) NO. 5 OF 2025

Sudalamadan alias Sudalaimani,
S/o. Manimuthu Nadar, No.5-8A,
Kanagamoolamputhu Kudiyiruppu, Thazhakudi,
Thovalai, Kanyakumari District.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police, Aralvoimozhi Police Station,
Kanyakumari District

Respondent(s)

For Petitioner(s):

Mr.P.T.Ramesh Raja, Advocate

For Respondent(s):

Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner by the learned District Munsif cum Judicial Magistrate, Bhoothpandy in C.C.No.54 of 2015, dated 12.07.2022, which was



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confirmed in Criminal Appeal No.34 of 2022, dated 08.11.2024, by the learned Additional District and Sessions Judge (Fast Track), Nagercoil pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.5 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.258 of 2012, came to be registered by the respondent police as against the accused for the offence under Sections 379 and 427 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.54 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Bhoothpandy.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 12.07.2022, and the trial Court sentenced the petitioner to undergo simple imprisonment for a period of six months for the offence under Section 379 of IPC, and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) for the offence under Section 427 of IPC.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.34 of 2022 on the file of the learned Additional District and Sessions Judge (Fast Track), Nagercoil. By a judgment, dated 08.11.2024, the learned Additional District and Sessions Judge (Fast Track), Nagercoil, by confirming the said conviction and sentence, dismissed the appeal. Being



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dissatisfied with the said conviction and sentence, the petitioner has 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 petitioner 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 petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner 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 petitioner 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of



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imprisonment alone is suspended pending disposal of the revision with the following

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directions :

(i) The petitioner 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 District Munsif cum Judicial Magistrate Court, Bhoothpandy.

(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

(iii) The petitioner shall appear before the District Munsif cum Judicial Magistrate, Bhoothpandy once in a month i.e., on first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
06/01/2025

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



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TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK)
NAGERCOIL.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
BOOTHAPANDY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-116[I] dated 07/01/2025)

ORDER
IN
CRL MP(MD) NO. 58 of 2025
IN
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Date :06/01/2025

SA/GSV/SAR. /23.01.2025/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.