



Crl.MP(MD)No.2123 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2026**

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)No.2123 of 2026

in

Crl.RC.(MD)No.185 of 2026

Arun Kumar

... Petitioner

Vs.

Reju Kumar

... Respondent

PRAYER:

To suspend the sentence confirmed in Crl.A.No.32 of 2019 dated 23.10.2025 by the Hon'ble Sessions Fast Track Mahila Court, Kanyakumari @ Nagercoil by confirming the Judgement dated 31.01.2019 passed in C.C.No.146 of 2013 by the Judicial Magistrate No.III, Nagercoil.

For Petitioner : Mr.V.Sukumar

For Respondent : No Appearance



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ORDER

Heard Mr.V.Sukumar, learned counsel appearing for petitioner.

2. This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon petitioner by learned Judicial Magistrate No.III, Nagercoil in C.C.No.146 of 2013 dated 31.01.2019, which was modified by Sessions Fast Track Mahila Court, Kanyakumari @ Nagercoil in Crl.A.No.32 of 2019 dated 23.10.2025.

3. Learned counsel for petitioner would submit that petitioner was convicted by learned Judicial Magistrate No.III, Nagercoil for the offences punishable under Section 294(b), 448, 323 and 506(ii) of IPC and sentenced as follows:-

- i. To undergo one month simple imprisonment and to pay a fine of Rs.1000/-, in default to undergo one week simple imprisonment for offence under Section 294(b) IPC;



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- ii. To undergo three months simple imprisonment and to pay a fine of Rs.500/-, in default to undergo one week simple imprisonment, for offence under Section 448 IPC;
- iii. To undergo three months simple imprisonment and to pay a fine of Rs.500/-, in default to undergo one week simple imprisonment, for offence under Section 323 IPC;
- iv. To undergo three months simple imprisonment and to pay a fine of Rs.500/-, in default to undergo one week simple imprisonment, for offence under Section 506(ii) IPC.

4. Aggrieved petitioner filed Crl.A.No.32 of 2019, before learned Sessions Fast Track Mahila Court, Kanyakumari and the lower Appellate Court vide order dated 23.10.2025, partly allowed the appeal and modified the judgment passed by the trial Court and set aside the sentence with respect to 506(ii) of IPC alone and confirmed the remaining portions of the conviction and sentence imposed under Sections 294(b), 448 and 323 of IPC passed by Trial Court. Challenging the above conviction and sentence, petitioner has filed Criminal Revision



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Petition in Crl.RC(MD)No.185 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Learned counsel for petitioner would further submit that petitioner has a good case *inter alia* stating that no independent witnesses were examined supporting the case of the respondent and P.W.2, who is the father of the complainant and P.W.3, who is the uncle of the respondent are interested witnesses; and that courts below failed to see that the ingredients of Section 294(b) IPC were not satisfied, as the alleged obscene words were not uttered in a public place.

6. Learned counsel for petitioner would further submit that petitioner has raised other substantial grounds in above revision, which requires consideration. Hence, he prayed for granting suspension of sentence and bail to petitioner.



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7. Learned Government Advocate appearing for respondent has opposed the submissions made by learned counsel for 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 petitioner at this stage be refused by this Court.

8. 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 heard¹, this Court is inclined to grant suspension of sentence and bail to the petitioner, on the following conditions, till the disposal of the 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 No.III, Nagercoil;

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



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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 the learned Judicial Magistrate No.III, Nagercoil, on the first working day of every English calendar month at 10.30 a.m., until further orders;

iv) In case petitioner is not able to appear before the said 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 said Court on any other day in lieu of the date of his absence, as directed by the said Court.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

03.02.2026
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1. The Sessions Fast Track Mahila Court, Kanyakumari
2. The Judicial Magistrate No.III, Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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MOHAMMED SHAFFIQ, J.

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