



*CRL MP(MD) No.4823 of 2026
in Crl.R.C.(MD)No.389 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2026

**CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

CRL MP(MD) No.4823 of 2026

in

CRL RC(MD) No.389 of 2026

Allal Kathan

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
CBCID Police Station,
Thanjavur.
(Crime No.20/2006)

... Respondent/Respondent

For Petitioner: Mr.B.Jameelarasu

For Respondent: Mr.S.Ravi
Additional Public Prosecutor

Prayer in CRL MP(MD).4823 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed on the petitioner in Crl.A.No.3/2023 on the file of Learned I Additional District and Sessions Judge, Thanjavur dated 06.02.2026 confirming the Judgment and conviction imposed on the petitioner by the Learned Judicial Magistrate, Thiruvayyar in C.C.No.34 of 2011, dated 01.12.2022 pending disposal of the above criminal revision.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.3 of 2023 on the file of Learned I Additional District and Sessions Judge, Thanjavur dated 06.02.2026 confirming the Judgment and conviction imposed on the petitioner by the Learned Judicial Magistrate, Thiruvayyar in C.C.No.34 of 2011, dated 01.12.2022 pending disposal of the above criminal revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Court on 01.12.2022 in C.C.No.34 of 2011 on the file of the learned Judicial Magistrate, Thiruvayyar and sentenced to undergo rigorous imprisonment for a period of two years for the offence under Section 465 IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for a period of one month, and to undergo rigorous imprisonment for a period of three years for the offence under Section 468 IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for a period of one month, and to undergo rigorous imprisonment for a period of two years for the offence under Section 471 IPC and to pay a fine of Rs. 1000/-, in default, to undergo simple imprisonment for a period of one month.



*CRL MP(MD) No.4825 of 2026
in Crl.R.C.(MD)No.389 of 2026*

3. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.3 of 2023 on the file of the learned I Additional District and Sessions Judge, Thanjavur. The learned I Additional District and Sessions Judge, Thanjavur by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

4. The learned Additional Public Prosecutor strongly objected for granting suspension of sentence, drawing my attention to the fact that the though the learned counsel for the petitioner insisted that suspension of sentence is automatic, the learned Additional Public Prosecutor strongly objected to the said submission by pointing out that this is not a criminal appeal, but the petitioner has come before this Court by way of revision challenging the concurrent findings of the trial Court as well as the findings of the appellate Court.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



*CRL MP(MD) No.4825 of 2026
in CrI.R.C.(MD)No.389 of 2026*

6. 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 and as such, and also considering the fact that the petitioner has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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 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 learned Judicial Magistrate, Thiruvaiyyaru, Thanjavur District;

(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



CRL MP(MD) No.4825 of 2026
in CrI.R.C.(MD)No.389 of 2026

(iii) The petitioner shall appear before the learned Judicial Magistrate, Thiruvaiyyaru, Thanjavur District, on all working days at 10.30 a.m., until further orders.

7. Accordingly, this Miscellaneous Petition is allowed.

04.03.2026

gbg

To

- 1.The Additional District and Sessions Judge,
Virudhunagar District.
- 2.The Judicial Magistrate No.II,
Srivilliputtur.
- 3.Do through the Chief Judicial Magistrate,
Virudhunagar District.
- 4.The Inspector of Police,
Virudhunagar Bazar Police Station,
Virudhunagar, Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

5/5