



CRL MP(MD) No.5257 of 2026
in Crl.R.C.(MD)No.436 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2026

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

CRL MP(MD) No.5257 of 2026

in

CRL RC(MD) No.436 of 2026

R.Chellapandi

... Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Solavanthan Police Station,
Madurai District.
(Crime No.302/2017)

... Respondent/Respondent

For Petitioner: Mr.Charles Kamalesh M.Appaji

For Respondent: Mr.M.Sakthikumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).5279 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed in C.A.No.74 of 2022 on the file of the VI Additional District and Sessions Judge, Madurai, dated 26.11.2025 confirming the judgment imposed in S.C.No.382 of 2020 on the file of the learned Additional Chief Judicial Magistrate, Madurai, dated 03.11.2022 and grant bail to the petitioner, pending disposal of the criminal revision petition.



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in CrI.R.C.(MD)No.436 of 2026

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Learned VI Additional District and Sessions Judge, Madurai, made in C.A.No.74 of 2022 dated 26.11.2025 confirming the judgment made in S.C.No.382 of 2020 on the file of the learned Additional Chief Judicial Magistrate, Madurai, dated 03.11.2022, pending disposal of the above revision case.

2. The case of the prosecution is that when the defacto complainant was having tea at Ponnuchami Tea Shop located near Nadaga Medai, A1 and A2 came there abused the defacto complainant/P.W.1 in filthy language and when the defacto complainant tried to leave the place, the accused persons attacked him, thereby caused injured. Based upon the complaint given by the defacto complainant, FIR in Crime No.302 of 2017 was registered by the respondent police. After the completion of investigation, final report was filed against the petitioner/A1 for the offences under Sections 341, 294(b), 324 and 307 of IPC and the case was taken on file in S.C.No.382 of 2020 by the learned Additional Chief Judicial Magistrate, Madurai.



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3. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11 and exhibited 8 documents. That apart, M.O.1 to M.O.3 were marked. The accused has adduced neither oral nor documentary evidence.

4.The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 03.11.2022 convicting the petitioner/A1 for the offence under Section 326 of IPC and sentenced him to undergo 1 year Rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo 1 month simple imprisonment. Challenging the above said conviction and sentence, the petitioner/A1 has preferred appeal in CrI.A.No.74 of 2022 on the file of the Learned VI Additional District and Sessions Judge, Madurai. The Learned VI Additional District and Sessions Judge, Madurai, 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.

5.The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.



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6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

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

9. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

- (i) the petitioner is directed to be enlarged on bail on him executing 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 Chief



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Judicial Magistrate, Madurai ;

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(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 trial Court at 10.30 a.m. on

the first working day of every English Calendar month until further orders.

06.03.2026

(2/2)

Rmk

Note : Issue order copy on 10.03.2026

To

- 1.VI Additional District and Sessions Judge, Madurai.
- 2.The Additional Chief Judicial Magistrate, Madurai.
- 3.The Inspector of Police,
Solavanthan Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.