



Crl.M.P.(MD)No.5449 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **11.03.2026**

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

CRL MP(MD) NO. 5449 of 2026

in

CRL RC(MD) NO. 447 of 2026

Shajahan

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.298 of 2008.

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the sentence imposed in C.A.No. 33 of 2020 on the file of Additional District Judge, Kuzhithurai dt. 10.02.2026 confirming the sentence imposed in C.C. No. 172 of 2008 on the file of the Judicial Magistrate, No.1, Kuzhithurai, dated 27.08.2020 and grant me bail, pending disposal of the criminal revision petition.

For Petitioner : Mr.P.Sonu

For Respondent : Mr.S.S.Manoj

Government Advocate



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.A.No. 33 of 2020 on the file of Additional District Judge, Kuzhithurai dt. 10.02.2026 confirming the sentence imposed in C.C. No. 172 of 2008 on the file of the Judicial Magistrate, No.1, Kuzhithurai, dated 27.08.2020 and grant me bail, pending disposal of the criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 27.08.2020, and the trial Court sentenced him to undergo simple imprisonment for a period of one year, and also to pay Rs.5,000/-, in default to undergo one week simple imprisonment, for the offence under Section 304(A) of IPC in C.C.No.172 of 2008 on the file of the learned Judicial Magistrate, No.1, Kuzhithurai.

3. The learned Additional District Judge, Kuzhithurai confirmed the conviction, and sentence and dismissed the Criminal Appeal in C.A.No. 33 of 2020 dated 10.02.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

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

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 :



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(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, No.1, Kuzhithurai;

(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 learned Judicial Magistrate, No.1, Kuzhithurai, on all working days at 10.30 a.m., until further orders.

8. The petitioner is also directed to pay an amount of Rs.10,000/- (Rupees Ten Thousand only) to the credit of WAA Cornelia Sorabjee Lecture Series, A/C No.6687756541, IFSC Code:IDIB000H040, within a period of one week from today.

9. Post the matter for reporting compliance on **01.04.2026**.

11.03.2026

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To

- 1.The Additional District Judge, Kuzhithurai.
- 2.The Judicial Magistrate, No.1, Kuzhithurai
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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