



Crl.M.P.(MD)No.6407 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.04.2026**

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6407 of 2026

in

CRL RC(MD) No.534 of 2026

Iyyappan

... Petitioner

Vs.

The State of Tamil Nadu,
rep.by The Inspector of Police,
District Crime Branch, Nagercoil,
Kanyakumari District.
(Crime No.28/2003)

... 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 made in C.C.No.279 of 2006 dated 11.03.2010 on the file of the Judicial Magistrate No.I, Nagercoil and as confirmed by judgment dated 30.01.2026 made in C.A.No.18 of 2010 on the file of the Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil pending disposal of the above criminal revision.

For Petitioner : Mr.R.Russel Raj
For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Criminal)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence made in C.C.No.279 of 2006 dated 11.03.2010 on the file of the



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Judicial Magistrate No.I, Nagercoil as confirmed by judgment dated 30.01.2026

made in C.A.No.18 of 2010 on the file of the Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil pending disposal of the above criminal revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 11.03.2010, and the trial Court sentenced him to undergo rigorous imprisonment for a period of three years each, for the offence under Sections 420 and 468 of IPC and to pay a fine of Rs.250/-, in default, to undergo simple imprisonment for a period of six months each, and to undergo rigorous imprisonment for a period of two years each, for the offence under Sections 465 and 471 of IPC and to pay a fine of Rs. 250/-, in default, to undergo simple imprisonment for a period of six months each concurrently on the file of the learned Judicial Magistrate No.I, Nagercoil.

3. The learned Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.18 of 2010 dated 30.01.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court



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along with this Criminal Miscellaneous Petition seeking suspension of sentence.

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. He also submitted that this Court passed an order directing the petitioner to surrender by 08.04.2026 vide order dated 25.03.2026. Pursuant to which, the petitioner had surrendered before the learned trial Court. 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



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of grant of suspension of sentence.

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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 No.I, Nagercoil;

(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.I, Nagercoil, on all working days at 10.30 a.m., until further orders.

8. Considering the facts and circumstances of the case, the petitioner is directed to pay an amount of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032, within a period of one week from today.



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9. Post for reporting compliance after four weeks.

09.04.2026

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Note : Issue order copy on 09.04.2026.

To

- 1.The Sessions Fast Track Mahila Court,
Kanyakumari District at Nagercoil.
- 2.The Judicial Magistrate No.I,
Nagercoil.
- 3.Do through the Chief Judicial Magistrate,
Kanyakumari District.
- 4.The Inspector of Police,
District Crime Branch, Nagercoil,
Kanyakumari District.
- 5.The Superintendent,
Central Prison, Palayamkottai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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