



Crl.M.P.(MD)No.8053 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.04.2026

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8053 of 2026

in

CRL RC(MD) NO. 675 of 2026

K.Muthumurugan

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Bodi Taluk Police Station,
Theni District.
In Crime No.2345 of 2020

... 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 Judgment and conviction passed by the learned Assistant Sessions Judge-cum-Chief Judicial Magistrate, Theni in S.C.No.107 of 2022 dated 29.10.2024 for the offence under sections 326 of IPC.

For Petitioner : Mr.S.Bala Karthick

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Theni, in C.A.No.176 of 2024 judgment dated 24.03.2026, confirming the conviction and sentence imposed by the learned Assistant Sessions Judge cum Chief Judicial Magistrate, Theni, in S.C.No.107 of 2022, dated 29.10.2024 and enlarge the petitioner on 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 29.10.2024, and the trial Court sentenced him to undergo three years of rigorous imprisonment and imposed Rs.5,000/- of fine and default to pay the fine amount to undergo one year rigorous imprisonment, for the offence under Section 326 of IPC in S.C.No.107 of 2022 on the file of the learned Assistant Sessions Judge cum Chief Judicial Magistrate, Theni

3. The learned Principal Sessions Judge, Theni, confirmed the same with modification in sentence regarding payment of compensation, in default to undergo one year rigorous imprisonment in Criminal Appeal No. 176 of 2024



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dated 24.03.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

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.



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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 Assistant Sessions Judge cum Chief Judicial Magistrate, Theni;

(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 Assistant Sessions Judge cum Chief Judicial Magistrate, Theni, on all working days at 10.30 a.m., until further orders.

30.04.2026

Sml

Note: Issue Order copy on 08.05.2026

To
The Assistant Sessions Judge cum Chief Judicial Magistrate,
Theni



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L.VICTORIA GOWRI, J.,

Sml

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