



Crl.M.P.(MD)No.9358 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9358 of 2026

in

CRL RC(MD) No.788 of 2026

Surendar

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its
The Sub Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.276/2021)

... Respondent/Respondent

For Petitioner: Mr.M.Vivek

For Respondent: Mr.S.S.Manoj

Government Advocate(Crl.side)

Prayer in CRL MP(MD).9358 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the conviction and sentence passed by the learned District and Sessions Judge, Karur, in Crl.A.No.106 of 2023, dated 06.10.2025 by confirming the judgment of conviction and sentence passed in C.C.No.32 of 2021 dated 04.05.2023 by the Judicial Magistrate No.I, Karur pending disposal of the above said criminal revision petition.



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the learned District and Sessions Judge, Karur, in Crl.A.No.106 of 2023, dated 06.10.2025 by confirming the judgment of conviction and sentence passed in C.C.No.32 of 2021 dated 04.05.2023 by the Judicial Magistrate No.I, Karur pending disposal of the above said criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Court on 04.05.2023 in C.C.No.32 of 2021 on the file of the learned Judicial Magistrate No.I, Karur and sentenced to undergo simple imprisonment for a period of one year for the offence under Section 379 IPC.

3. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.106 of 2023 on the file of the learned District and Sessions Judge, Karur. The learned District and Sessions Judge, Karur by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioners has preferred the present Criminal Revision Case along with the above miscellaneous petition.



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4. The learned Government Advocate(crl.side) strongly objected for granting suspension of sentence, drawing my attention to the fact that though the learned counsel for the petitioner insisted that suspension of sentence is automatic, the learned Government Advocate(crl.side) strongly objected to the said submission by pointing out that this is not a criminal appeal, but the petitioners 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.

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 Judicial Magistrate No.I, Karur;

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

8. Accordingly, this Miscellaneous Petition is allowed.

30.04.2026
(1/2)

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- To**
- 1.The District and Sessions Judge, Karur.
 - 2.The Judicial Magistrate No.I, Karur.
 - 3.Do through the Chief Judicial Magistrate,
Karur District.
 - 4.The Sub Inspector of Police,
Karur Town Police Station,
Karur District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.