



Crl.MP(MD)No.7287 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2026

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)No.7287 of 2025

in

Crl.RC.(MD)No.658 of 2025

Merlin @ Merlinraj

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Sub- Inspector of Police,
Kollencode Police Station,
Kanyakumari District,
(Crime No.50 of 2023).

... Respondent

Prayer in Crl.M.P(MD)No.7287 of 2025:

To suspend the sentence imposed upon Petitioner in C.C.No.541 of 2023, dated 04.01.2024 on the file of Judicial Magistrate No.II, Kuzhithurai, confirmed in Crl.A.No.83 of 2024 dated 14.03.2025 on the file of Additional District and Sessions Court, Kuzhithurai, Kanyakumari District at Nagercoil, pending disposal of this Criminal Revision Petition.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.Vaikkam Karunanithi
Government Advocate



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ORDER

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Heard Mr.S.C.Herold Singh, learned Counsel for Revision Petitioner and Mr.Vaikkam Karunanithi, learned Government Advocate for Respondent.

2. Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate No.II, Kuzhithurai in C.C.No.541 of 2023, dated 04.01.2024, which was confirmed by Additional District and Sessions Court, Kuzhithurai, in Crl.A.No.83 of 2024 dated 14.03.2025.

3. Learned counsel for Petitioner would submit that Petitioner was convicted by Judicial Magistrate No.II, Kuzhithurai in C.C.No.541 of 2023, dated 04.01.2024, for offence under Section 392 of I.P.C and sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.10,000/- in default, to undergo Simple Imprisonment for three months.



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3.1. Aggrieved, Petitioner filed criminal appeal in Crl.A.No.83 of 2024 before III- Additional District and Sessions Court, Kuzhithurai and the lower Appellate Court, by the judgment dated 14.03.2025 dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, Petitioner filed Crl.R.C.(MD)No.658 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.2. Learned Counsel for Petitioner would submit that Petitioner has a good case *inter alia* stating that though it is alleged that Petitioner pulled the gold chain from the de-facto complainant, no injuries were caused to the de-facto complainant. There is no allegation of any threat by the Petitioner while committing the alleged offence. Further, two witnesses present at the place of occurrence made no effort either to prevent or apprehend the Petitioner. He would also submit that out of three-year rigorous imprisonment sentence, Petitioner has been confined at Central Prison, Palayamkottai, since 04.01.2024, which is about two years and a month, or more than 70% of the sentence.



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3.3. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in above revision, which requires consideration and he also paid the fine amount as ordered by the Trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioner.

4. Learned Government Advocate appearing for Respondent opposed the submissions of learned counsel for Petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by Petitioner at this stage be refused by this Court.

5. Keeping in view the above circumstances, in particular, the fact that substantial portion viz., 2 years and 1 month out of total sentence of 3 years has been undergone by Petitioner, this Court is of the view that this is a fit and proper case for granting suspension of sentence¹ for it is also likely to take a while before the revision is finally heard². In view thereof, this Court is inclined to grant suspension of sentence and bail, on the following conditions, till disposal of the above Criminal Revision:

¹ Mossa Koya KP vs State (NCT of Delhi), (2022) 17 SCC 545

² Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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i) Petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.II, Kuzhithurai.

ii) Petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

iii) Petitioner shall appear and sign before Judicial Magistrate No.II, Kuzhithurai, daily at 10.30 a.m., until the disposal of revision;

iv) In case, Petitioner is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.

6. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

19.02.2026

Nsr

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To:

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1. Additional District and Sessions Court,
Kuzhithurai, Kanyakumari District at Nagercoil.
2. Judicial Magistrate No.II, Kuzhithurai.
3. The Sub- Inspector of Police,
Kollencode Police Station,
Kanyakumari District,
(Crime No.50 of 2023).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

Copy To:

Central Prison, Palayamkottai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
CrI.MP(MD)No.7287 of 2025
in
CrI.RC.(MD)No.658 of 2025

Dated: 19.02.2026