

CRL MP(MD) No.8732 of 2026
in Crl.R.C.(MD)No.722 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2026

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

CRL MP(MD) No.8732 of 2026

in

CRL RC(MD) No.722 of 2026

S.Madhan Kumar

... Petitioner/Petitioner

Vs

1.Punitha

2.Minor.Iniyan

(Rep.through his mother/R1)

... Respondents/Respondents

For Petitioner: Mr.K.Vinoharan

Prayer in CRL MP(MD).8732 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the Sentence of imprisonment for a period of 1 year imposed vide Judgment dated 07.05.2024 in S.T.C.No.2 of 2024 on the file of the Judicial Magistrate, Uthamapalayam confirmed by the Learned Principal Session Judge, Theni Vide Judgment dated 08.04.2026 in Crl.A.No.72 of 2024 pending disposal of the above criminal revision case.



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in Crl.R.C.(MD)No.722 of 2026

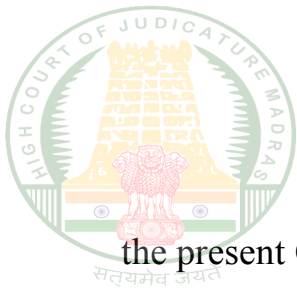
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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the Sentence of imprisonment for a period of 1 year imposed vide Judgment dated 07.05.2024 in S.T.C.No.2 of 2024 on the file of the Judicial Magistrate, Uthamapalayam confirmed by the Learned Principal Session Judge, Theni Vide Judgment dated 08.04.2026 in Crl.A.No.72 of 2024 pending disposal of the above criminal revision case.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Court on 07.05.2024 in S.T.C.No.2 of 2024 on the file of the learned Judicial Magistrate, Uthamapalayam and sentenced to undergo simple imprisonment for a period of one year for the offence under Section 31 of the Protection of Women from Domestic Violence Act, 2005 and to pay a fine of Rs.20,000/-, in default, to undergo simple imprisonment for a period of one month.

3. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.72 of 2024 on the file of the learned Principal Session Judge, Theni. The learned Principal Session Judge, Theni by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred



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the present Criminal Revision Case along with the above miscellaneous petition.

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

5. 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.

6. 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, Uthamapalayam;



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

7. Notice.

22.04.2026

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To

- 1.The Principal Session Judge,
Theni.
- 2.The Judicial Magistrate,
Uthamapalayam.
- 3.Do through the Chief Judicial Magistrate,
Theni District.