



Crl.M.P.(MD)No.8769 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.04.2026**

CORAM

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

CRL MP(MD) NO. 8769 of 2026

in

CRL RC(MD) NO. 733 of 2026

Prabakaran

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Aundipatti Police Station,
Theni District.
Crime No.148 of 2010.

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to enlarge the petitioner on bail by suspending the sentence imposed by the Judicial Magistrate, Aundipatti in CC No.524 of 2010 by judgment dated 30.01.2025 which was confirmed by the Principal Sessions Judge, Theni in CA No.42 of 2025 dated 18.03.2026, pending disposal of the main criminal revision petition on the file of this Court.

For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl.)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Theni in CA No.42 of 2025 dated 18.03.2026, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Aundipatti in CC No.524 of 2010 dated 30.01.2025 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 30.01.2025, and the trial Court sentenced him to undergo simple imprisonment for a period of two years for the offence under Section 304(A) of IPC and also to pay a fine of Rs. 6,000/-, in default to undergo six months simple imprisonment, for the offence under Section 337 of IPC and also to pay a fine of Rs.4,000/-, in default to undergo one year simple imprisonment, for the offence under Section 338 of IPC in C.C.No.524 of 2010 on the file of the learned Judicial Magistrate, Aundipatti.



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3. The learned Principal Sessions Judge, Theni confirmed the conviction, and sentence and dismissed the Criminal Appeal in CA No.42 of 2025 dated 18.03.2026. 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



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revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

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, Aundipatti;

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

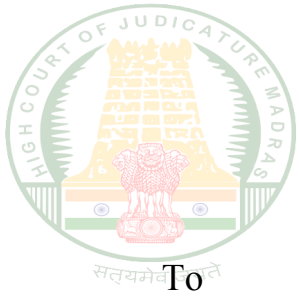
8. Mr.M.Sakthi Kumar, learned Government Advocate takes notice for the respondent.

9. Post the matter after four weeks.

29.04.2026

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Note: Issue order copy on 29.04.2026.



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To

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- 1.The Principal Sessions Judge, Theni.
- 2.The Judicial Magistrate, Aundipatti.
- 3.The Inspector of Police,
Aundipatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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