



Crl.M.P.(MD)No.9235 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9235 of 2026

in

CRL RC(MD) No.780 of 2026

1.Senbagaraj
2.Ramalakshmi
Petitioners/Petitioners

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.135/2018)
Respondent/Respondent

...

For Petitioner: Mr.J.Yogeswaran
For Respondent: Mr.M.Sakthi Kumar
Government Advocate(Crl.side)

Prayer in CRL MP(MD).9235 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence of imprisonment imposed by the Additional District Sessions Judge, Srivilliputhur in Crl.A.No.15 of 2020 dated 15.04.2026 confirming the conviction and sentence of imposed by Judicial Magistrate No.I Court, Sivakasi in C.C.No.66 of 2018 by judgment dated 31.12.2019 and enlarge the petitioners on bail, pending disposal of the criminal revision petition.



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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 Additional District Sessions Judge, Srivilliputhur in Crl.A.No.15 of 2020 dated 15.04.2026 confirming the conviction and sentence of imposed by Judicial Magistrate No.I Court, Sivakasi in C.C.No.66 of 2018 by judgment dated 31.12.2019 and enlarge the petitioners on bail, pending disposal of the criminal revision petition.

2. The learned counsel appearing for the petitioners submitted that the petitioners were convicted by the trial Court on 31.12.2019 in C.C.No.66 of 2018 on the file of the learned Judicial Magistrate No.I Court, Sivakasi and sentenced to undergo rigorous imprisonment for a period of two years for the offence under Section 392 IPC and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of three months.

3. Challenging the above said conviction and sentence, the petitioners have preferred appeal in Crl.A.No.15 of 2020 on the file of the learned Additional District Sessions Judge, Srivilliputhur. The learned Additional District Sessions Judge, Srivilliputhur by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioners have



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

4. The learned Government Advocate(crl.side) strongly objected for granting suspension of sentence, drawing my attention to the fact that the though the learned counsel for the petitioners 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 have 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 petitioners 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



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likely to be taken up for final hearing in the near future and as such, and also considering the fact that the petitioners have good chance of succeeding in the revision petition, this Court is of the considered view that the petitioners herein are 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 petitioners shall execute a bond for a sum of Rs. 25,000/(Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I Court, Sivakasi;

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



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7. Accordingly, this Miscellaneous Petition is allowed.

29.04.2026
(2/3)

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To

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