



Crl.M.P.(MD)No.12738 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.12738 of 2026

in

CRL RC(MD) No.1070 of 2026

Lakshmanakumar

Petitioner/Appellant/
Sole Accused

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Kombai Police Station,
Theni District.

... Respondent/Complainant

For Petitioner: Mr.Veera Raghul

For Respondent: Mr.C.Susikumar

Government Advocate(Crl.side)

Prayer in CRL MP(MD).12738 of 2026 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed by Learned Judicial Magistrate, Bodinayakanur in S.T.C.No.2599 of 2018 dated 29.11.2024 wherein the same was confirmed by Learned Principal Sessions Judge, Theni in C.A.No.191 of 2024 dated 26.03.2026 and enlarge the Revision petitioner on bail pending the disposal of the above said criminal revision.



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by Learned Judicial Magistrate, Bodinayakanur in S.T.C.No. 2599 of 2018 dated 29.11.2024 wherein the same was confirmed by Learned Principal Sessions Judge, Theni in C.A.No.191 of 2024 dated 26.03.2026 and enlarge the Revision petitioner on bail pending the disposal of the above said criminal revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Court on 29.11.2024 in S.T.C.No.2599 of 2018 on the file of the learned Judicial Magistrate, Bodinayakanur and directed to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for a period of one week for the offence under Section 279 IPC, and to undergo simple imprisonment for a period of six months for the offence under Section 338 IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for a period of one week.

3. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Crl.A.No.191 of 2024 on the file of the learned Principal Sessions Judge, Theni . The learned Learned Principal Sessions Judge, Theni



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by confirming the conviction and sentence, dismissed the appeal. Aggrieved by

the same, the petitioner has 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 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



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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 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.

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, Bodinayakanur;

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



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WEB COPY 8. Accordingly, this Miscellaneous Petition is allowed.

30.06.2026
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To

- 1.The Principal Sessions Judge, Theni.
- 2.The Judicial Magistrate, Bodinayakanur.
- 3.Do through the Chief Judicial Magistrate,
Theni District.
- 4.The Inspector of Police,
Kombai Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.