



Crl.M.P.(MD)No.12885 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **03.07.2026**

CORAM

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

CRL MP(MD) NO. 12885 of 2026

in

CRL RC(MD) NO. 1082 of 2026

Gopal

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Royappanpatti Police Station,
Theni District.

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the imprisonment passed by the learned Judicial Magistrate, Uthamapalayam, Theni District, made in CC No.52 of 2018 dated 20.02.2025 confirming the conviction and modifying the sentence and reduced to 6 months simple imprisonment from 3 years simple imprisonment for the offence under Section 326 IPC by the learned Principal Sessions Judge, Theni, Theni District made in Crl.A.No.36 of 2025 dated 24.11.2025, and enlarge the petitioner on bail, pending disposal of the criminal revision.

For Petitioner : Mr.B.Senthilkumar

For Respondent : Mr.D.Rajaboopathy

Government Advocate (Crl.)



Crl.M.P.(MD)No.12885 of 2026

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Theni, Theni District in Crl.A.No.36 of 2025 dated 24.11.2025, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Uthamapalayam, Theni District, in CC No.52 of 2018 dated 20.02.2025 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 20.02.2025, and the trial Court sentenced him to undergo simple imprisonment for a period of three years, and also to pay a fine of Rs.4,000/-, for the offence under Section 326 of IPC and to pay a fine of Rs.1,000/-, for the offence under Section 294(b) of IPC, in default to undergo one month simple imprisonment, in C.C.No.52 of 2018 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District.

3. The learned Principal Sessions Judge, Theni, Theni District, modified the conviction, and sentence and partly allowed the Criminal Appeal in



Crl.M.P.(MD)No.12885 of 2026

Crl.A.No.36 of 2025 dated 24.11.2025, modifying the sentence to undergo simple imprisonment for a period of six months, for the offence under Section 326 of IPC and the fine amount already imposed Rs.5,000/- is confirmed. 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



Crl.M.P.(MD)No.12885 of 2026

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, Uthamapalayam;

(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.

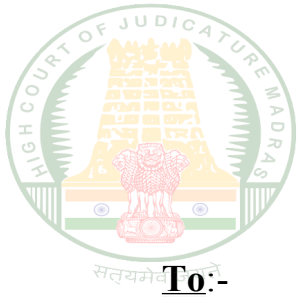
8. Mr.D.Rajaboopathy, learned Government Advocate takes notice for the respondent.

9. Post the matter for reporting compliance after four weeks.

Sm

Note: Issue order copy on 03.07.2026.

03.07.2026
(1/2)



Crl.M.P.(MD)No.12885 of 2026

To:-

- 1.The Principal Sessions Judge, Theni, Theni District.
- 2.The Judicial Magistrate, Uthamapalayam, Theni District.
- 3.The Sub Inspector of Police,
Royappanpatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 5.The Superintendent, Central Prison, Madurai.



WEB COPY



Crl.M.P.(MD)No.12885 of 2026

L.VICTORIA GOWRI, J.

Sm

Crl. MP(MD)No.12885 of 2025
in
CRL RC(MD)No.1082 of 2026
(1/2)

03.07.2026