



Crl.M.P.(MD).Nos.16024 and 16027 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)Nos.16024 and 16027 of 2025

in

Crl.RC(MD)No.1394 of 2025

1. Arjunan

S/o.Kesavan Nadar

No.2-203, Udaiyar Vilai

Kannur, Kanniyakumari District.

2. Rasal Raj

S/o.Anbaiyan

No.16-36, Kesavanserivilai

Kalkulam, Chempanvilai

Kanniyakumari District.

3. Senthil Kumar

S/o.Arjunan

No.2-203, Udaiyar Vilai

Kannur, Kanniyakumari District.

4. Kanishhbhai

S/o.Arjunan

No.2-203, Udaiyar Vilai

Kannur, Kanniyakumari District.

... Petitioners

Vs.

State of Tamil Nadu Rep By

Inspector Of Police,

Thiruvattar Police Station,

Padmanabapuram, Kanniyakumari District.

(Crime No.73/2008)

... Respondent



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PRAYER in CrL.RC(MD).No.16024 of 2025:

To suspend the sentence imposed upon petitioners by 1st Additional District and Session Judge, Tirunelveli, Tirunelveli District in CrL.A.No.135 of 2023, dated 14.10.2025, confirming the conviction and sentence imposed by Assistant Sessions Court, Valliyoor, Tirunelveli District in S.C.No.339 of 2019, dated 18.08.2023 and enlarge them on bail pending disposal of the Criminal Revision Petition.

Prayer for CrL.M.P(MD)No.16027 of 2025:

To exempt the petitioners from surrender pursuant to the judgment passed by 1st Additional District and Session Judge, Tirunelveli, Tirunelveli District in CrL.A.No.135 of 2023, dated 14.10.2025, confirming the conviction and sentence imposed by Assistant Sessions Court, Valliyoor, Tirunelveli District in S.C.No.339 of 2019, dated 18.08.2023, pending disposal of the Criminal Revision Petition.

For Petitioners : Mr.M.Dhinakar

For Respondent : Mr.P.Kottaichamy
Government Advocate

ORDER

Heard Mr.M.Dhinakar, learned Counsel for Revision Petitioners and Mr.P.Kottaichamy, learned Government Advocate for Respondent.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioners by 1st Additional District and Session



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Judge, Tirunelveli, Tirunelveli District in Crl.A.No.135 of 2023, dated 14.10.2025, confirming the conviction and sentence imposed by Assistant Sessions Court, Valliyoor, Tirunelveli District in S.C.No.339 of 2019, dated 18.08.2023 and to exempt the petitioners from surrendering before the Court below.

3. Learned counsel for Petitioners would submit that Petitioners were convicted and sentenced by Assistant Sessions Court, Valliyoor, Tirunelveli District in S.C.No.339 of 2019, dated 18.08.2023, as follows:

- (i) 1st Petitioner was convicted and sentenced to undergo Rigorous Imprisonment for one year, for offence under Section 332 of IPC; to undergo Rigorous Imprisonment for three years each and to pay a fine of Rs. 100/-, each in default, to undergo Simple Imprisonment for three months, for offences under Section 307 r/w 114 (3 counts) of IPC;
- (ii) 2nd Petitioner was convicted and sentenced to undergo Rigorous Imprisonment for one year, for offence under Section 332 of IPC; to undergo Rigorous Imprisonment for seven years each and to pay a fine of Rs.100/-, each in default, to undergo Simple Imprisonment for three months, for offences under Section 307 r/w 114 (3 counts) of IPC;



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(ii) 3rd Petitioner was convicted and sentenced to undergo Rigorous Imprisonment for seven years each for the offence under Section 307 (3 counts) of IPC and to pay fine of Rs.100/-, each in default, to undergo three months simple imprisonment.

(iii) 4th Petitioner was convicted and sentenced to undergo Rigorous Imprisonment for seven years each for the offence under Section 307 r/w 114(3 counts) of IPC and to pay fine of Rs.100/-, each in default, to undergo three months simple imprisonment.

3.1. Aggrieved, Petitioners filed criminal appeal in Crl.A.No.135 of 2023 before 1st Additional District and Sessions Judge, Tirunelveli. The lower Appellate Court, vide judgment dated 14.10.2025, dismissed the appeal confirming the judgment passed by Trial Court.

3.2. Aggrieved, petitioners filed Crl.R.C.(MD)No.1394 of 2026 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

4. This Court vide order dated 30.01.2026 directed the Petitioners to surrender before the Judicial Magistrate, Padmanabhapuram, Kanniyakumari District on or before 05.02.2026.



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5. It is submitted by learned Counsel for Petitioner that in compliance with the order passed by this Court dated 30.01.2026, Petitioners surrendered before the Trial Court on 05.02.2026 and now they are confined at Central Prison, Palayamkottai and Central Prison, Madurai, respectively, which was confirmed by learned Government Advocate for Respondent.

5.1. Learned Counsel for Petitioners would further submit that petitioners have raised substantial grounds in above revision, which requires consideration and they also paid the fine amount as ordered by the Trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioners.

6. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence, bail and exempt the petitioners from surrendering before the trial court, on the following conditions, till the disposal of above Criminal Revision:

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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i) Petitioners are directed to be enlarged on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of Assistant Sessions Court, Valliyoor, Tirunelveli District.

ii) Petitioners and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

iii) Petitioners shall appear and sign before Assistant Sessions Court, Valliyoor, Tirunelveli District, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, Petitioners are not able to appear before the said Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the said Court on any other day in lieu of the date of their absence, as directed by the said Court.



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7. Accordingly, these Criminal Miscellaneous Petitions are **ordered**.

13.02.2026

Nsr

To:

- 1.The Additional District and Sessions Judge, Tirunelveli.
- 2.The Assistant Sessions Court, Valliyoor, Tirunelveli District.
- 3.Inspector Of Police,
Thiruvattar Police Station,
Padmanabapuram, Kanniyakumari District.
(Crime No.73/2008)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To:

- 1.Central Prison,
Palayamkottai.
- 2.Central Prison,
Madurai.



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MOHAMMED SHAFFIQ, J

Nsr

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in

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