



CRL MP(MD). Nos.43 & 48 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **06/01/2026**

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). Nos.43 & 48 of 2026

in

CRL RC(MD)No.1693 of 2025

Arivazhagan
S/o.Duraisamy

... Petitioner

Vs

The State of Tamilnadu
Rep by The Sub Inspector of Police
All Women Police Station
Aranthangi
Pudukkottai District.
Cr.No.05 of 2008

... Respondent

PRAYER in Crl.M.P.(MD).No.43 of 2026 :-

To Suspend the sentence imposed by Judgment dated 20.09.2025 made in Crl.A No.2/2019 on the file of the Mahila Court, Pudukkottai confirming the order dated 25.07.2017 made in CC No.211/2008 on the file of the Judicial Magistrate Court, Aranthangi and enlarge the petitioner on bail.

PRAYER in Crl.M.P.(MD).No.48 of 2026 :-

To grant Exemption from Surrender of Petitioner pertains to the Judgment dated 20.09.2025 made in Crl.A No.2/2019 on the file of the Mahila Court, Pudukkottai confirming the order dated 25.07.2017 made in CC No.211/2008 on the file of the Judicial Magistrate Court, Aranthangi.



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For Petitioner : Mr.K.Althaf Sheriff
For
M/s.Ajmal Associates

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

Heard Mr.K.Althaf Sheriff, learned Counsel for petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, who accepts notice on behalf of Respondent.

2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioner by Judicial Magistrate, Aranthangi, in C.C.No.211 of 2008 vide order dated 25.07.2017, which was confirmed by learned Mahila Court, Pudukkottai in Crl.A.No.2 of 2019, vide order dated 20.09.2025 and to exempt the petitioner from surrendering before the Court below.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate, Aranthangi for offences punishable under Sections 498A & 494 of IPC in C.C.No.211 of 2008 dated 25.07.2017 and sentenced as follows:



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(i) to undergo two years Rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for offence under section 498A of IPC.

(ii) to undergo three years Rigorous imprisonment and to pay fine of Rs.5,000/-, in default, to undergo six months simple imprisonment for offence under section 494 of IPC.

4. Aggrieved, petitioner filed Criminal Appeal No.2 of 2019, before Mahila Court, Pudukottai and the lower Appellate Court vide order dated 20.09.2025, dismissed the appeal and confirming the judgment passed by Trial Court. Aggrieved, petitioner filed present Criminal Revision Petition in CrI.RC(MD)No.1693 of 2025 before this Court along with instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

5. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and he further submitted that the lower appellate court ought to have seen that there was no valid proof for marriage as per Hindu Customs. Except for Ex.P.2 and Ex.P.3, no documents were



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produced before the trial court to establish the validity of the subsequent marriage in question. He would further submit that petitioner has also paid fine amount as per the order of the trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioner.

6. Learned Additional Public Prosecutor appearing for respondent opposed the submissions of learned counsel for petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioner at this stage be refused by this Court.

7. 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 petitioner 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) The petitioner is directed to be enlarged on bail on his 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 the Judicial Magistrate Court, Aranthangi;

ii) The petitioner 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) The petitioner shall appear and sign before the Judicial Magistrate Court, Aranthangi, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, if the petitioner is not able to appear before the trial Court on any day, he 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 trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered.

06.01.2026

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MOHAMMED SHAFFIQ, J

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To

1. The Sessions Judge,
Mahila Court, Pudukottai.
2. The Judicial Magistrate, Aranthangi.
3. The Sub-Inspector of Police,
All Women Police Station,
Aranthangi, Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date : 06/01/2026

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