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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31-01-2025

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THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1414 of 2025

IN

CRL RC(MD) NO. 132 of 2025

Palanisamy,

S/o.Gunaseelan,

Pillapalayam, Musiri Taluk,

Trichy District.

... Petitioner /Petitioner

Vs

The State of Tamil Nadu,

Rep. by The Inspector of Police,

Thathayankarpettai Police Station,

Trichy District.

(Crime No. 153/2015)

... Respondent /Respondent

For Petitioner : Mr.R.Venkatesan, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner/A1 by the learned Judicial Magistrate, Thuraiyur in C.C.No.25 of 2018 dated 11.09.2023, which was modified in Criminal Appeal No.119 of 2023, dated 19.11.2024, by the learned II Additional District and Sessions Judge, Tiruchirappalli, pending disposal of the Criminal Revision Case in CrI.R.C.(MD) No.132 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.153 of 2015, came to be registered by the respondent police as against the accused for the offence under Sections 452, 326 and 427 of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.25 of 2018 on the file of the learned Judicial Magistrate, Thuraiyur.

4. The learned counsel appearing for the petitioner submitted that the petitioner/A1 has been convicted by the trial Court on 11.09.2023, and the trial Court sentenced him to undergo simple imprisonment for a period of three years and to pay



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a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 326 of IPC.

He was acquitted by the trial Court for the offence under Sections 452 and 427 of IPC.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.119 of 2023 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli. The learned II Additional District and Sessions Judge, Tiruchirappalli, by modifying the sentence imposed on the petitioner by the learned Judicial Magistrate, Thuraiyur in C.C.No.25 of 2018 dated 11.09.2023, partly allowed the appeal. Accordingly, the sentence imposed on the petitioner for the offence under Section 326 of IPC was reduced from three years of simple imprisonment to two years of simple imprisonment. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.



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7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9. 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, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :



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(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, Thuraiyur;

(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

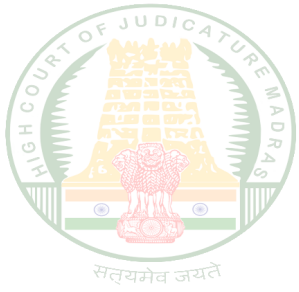
(iii) The petitioner shall appear before the learned Judicial Magistrate, Thuraiyur once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

Sd/-
31/01/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE,
THURAIYUR.
- 3 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THATHAYANKARPETTAI POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE SECTION OFFICER,
CRIMINAL SECTION(RECORDS),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(for call for records)

+1 CC to M/s.R.VENKATESAN, Advocate (SR-1275[I] dated 31/01/2025)

ORDER IN
CRL MP(MD) No.1414 of 2025
Date :31/01/2025

ES/VR/SAR /25.02.2025/6P/8C

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