



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.3056 of 2016

IN

CRL RC(MD) No.237 of 2016

K.KARUTHAPANDI

... PETITIONER / PETITIONER

Vs

STATE REP. BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, MANAMADURAI.

CR.No.2/2008

... RESPONDENT / RESPONDENT

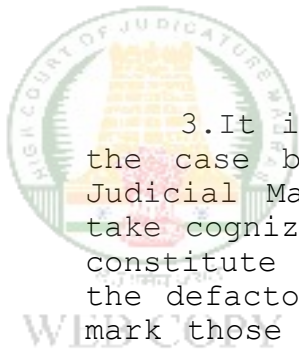
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of one year R.I for offence U/s 498(A) of IPC imposed by the Learned Additional District Munsif Cum Judicial Magistrate, Manamadurai in C.C.No.125/2008 dated 8.9.2010 as modified in Crl.A.No.75/2010 on the file of the FTC for women dated 24.3.2010 and enlarge the revision petitioner/accused on bail pending disposal of the above revision petition.

PRAYER IN CRL RC(MD) No.237 of 2016: To call for the records pertaining to Judgment of Sessions Judge / Fast Track court for Women, Sivagangai in Crl.A.No.75/2010 dated 24.03.2010 in modifying the conviction and sentence imposed by Learned Additional District Munsif cum Judicial Magistrate, Manamadurai in C.C.No.125/2010 dated 08.09.2010, set aside the same and thereby acquit the revision petitioner / accused from the offence under Section 498(A) of IPC and thereby allowing this revision petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S A.RAHUL, Advocate for the petitioner and of Mr.P.KANDASAMY, Government Advocate (Crl.side), for the Respondent, the court made the following order:-

This is an application filed by the petitioner/revision petitioner/Accused to suspend the sentence imposed on the petitioner in C.C.No.125 of 2008 dated 08.09.2010 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai as partially modified in Crl.A.No.75 of 2010 on the file of the learned Sessions Judge, Fast Track Court for Women, Sivagangai, pending disposal of the revision.

2.It is specifically stated in the affidavit enclosed with the petition filed by the mother of the petitioner that her son viz., Karuthapandi has been convicted for the offence under Sections 498(A) of I.P.C. and Section 4 of D.P.Act and the conviction and sentence for the offence under Section 498(A) of I.P.C. are confirmed by the appellate Court and he has been acquitted for the offence under Section 4 of D.P.Act.



3.It is stated in the grounds of revision that the registration of the case by the respondent pursuant to the direction of the learned Judicial Magistrate is illegal and the learned Judicial Magistrate can take cognizance of the complaint upon receiving complaint of facts which constitute an offence and even Ex.P1 does not contain the signature of the defacto complainant. Also, the complainant has willfully avoided to mark those documents before the trial Court and suppressed the contents of the material documents before the trial Court and both the Courts below have given much more importance upon the bald suggestion of the defence and no independent witnesses have been examined to prove that P.W.1 has been subjected to cruelty by the revision petitioner.

4.On a Perusal of the materials available on records, it is found that there are certain force in the points raised in the grounds of revision. It is also seen that there is a prima facie case in favour of the petitioner. From the submissions made on behalf of the petitioner, this Court finds that there are substantial and arguable points in the present case. Further, it is also seen that if certain stringent conditions are imposed, there is no chance for the accused to abscond. Further, after hearing the main revision alone, the correct and proper finding in the main case can be given.

5.Further, it is seen that various points have been raised in the grounds of revision require an indepth/threadbare examination at the time of final hearing of the main revision and also on going through the various grounds raised in the grounds of revision at this stage, this Court, to prevent aberration of justice, suspends the sentence pending disposal of the criminal revision with the following conditions:

i) petitioner/revision petitioner/Accused shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a likesum to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai

ii)the petitioner/revision petitioner/Accused shall appear before the said Court once in a month viz., first working day of every month until further orders, failing which the said Court is directed to inform about the details of failure committed by the petitioner in complying with the said conditions, to the Registry of this Court, forthwith.

iii)the petitioner/revision petitioner/A1 shall furnish his present full details of his residential address along with the copies of the family ration card/Aadhar Card/voter ID card issued by the Election Commission of India and also phone numbers(mobile/landline) if any to the said Court in the form of an affidavit, after serving an advance true copy of the same to the respondent; and

iv)on receipt of the true copy of the said affidavit, the respondent herein is directed to verify the veracity of the particulars given in the said affidavit and also liberty is granted to take appropriate follow up action, in accordance with law.

sd/-
07/04/2016

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Sub-Assistant Registrar (C.S.)



1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MANAMADURAI

2. -do- thro' THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3. THE SESSIONS JUDGE,
FAST TRACK COURT FOR WOMEN, SIVAGANGAI

4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S A.RAHUL Advocate SR.No.19870

ORDER
IN
CRL MP(MD) No.3056 of 2016
IN
CRL RC(MD) No.237 of 2016
Date :07/04/2016

Arul
SH/AAL-MPA/AR-1:12.04.2016:3P/7C