



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

Monday, the Twenty Third day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CRL MP(MD) Nos.4050 and 4051 of 2016
IN
CRL RC(MD) No.300 of 2016

S. STALIN KUMAR

... PETITIONER/PETITIONER No.2/A3
IN CRL MP(MD)No. 4050/2016
IN CRL RC(MD) No.300 of 2016

1 S.LENIN KUMAR

2 S.STALIN KUMAR

... PETITIONERS/PETITIONERS
IN CRL MP(MD)No. 4051/2016
IN CRL RC(MD) No.300 of 2016

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
CR. NO. 42 OF 2008.

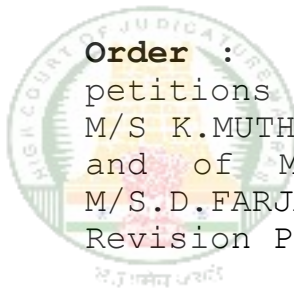
... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD). 4050/ 2016 IN CRL RC(MD) No.300 of 2016 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to exempt the Petitioner from surrender before the Learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl. Appeal No. 104 of 2009 dated 11.03.2015 confirming the conviction and sentence passed by the Learned Judicial Magistrate No. I. Srivilliputhur in C.C. No. 69/2008 dated 02.11.2009 and acquit the accused and thus render justice.

Prayer in CRL MP(MD). 4051/ 2016 IN CRL RC(MD) No.300 of 2016 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND the sentence imposed by the Learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl. Appeal No. 104 of 2009 dated 11.03.2015 confirming the conviction and sentence passed by the Learned Judicial Magistrate No. I Srivilliputhur in C.C. NO. 69/2008 dated 02.11.2009 till the disposal of the Revision and thus render justice.



Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S K.MUTHUMALAI, Advocate for the petitioner in both the petitions and of MR.A.RAMAR, Additional Public Prosecutor for R1, and M/S.D.FARJANA GHOSHIA, Advocate for R2 while admitting the Criminal Revision Petition, the court made the following order:-

Crl.M.P. (MD) No.4051 of 2016 is filed by the petitioners/revision petitioners/A2 and A3 to enlarge the petitioners on bail by suspending the sentence imposed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl.A.No.104 of 2009 dated 11.03.2015, confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Srivilliputhur in C.C.No.69 of 2008 dated 02.11.2009, till the disposal of the revision petition.

2.The second petitioner/A3 viz., S.Stalin Kumar has filed another application in Crl.M.P. (MD) No.4050 of 2016 to pass an order to exempt the petitioner/A3 from surrendering before the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl.A.No.104 of 2009 dated 11.03.2015 confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Srivilliputhur in C.C.No.69 of 2008 dated 02.11.2009, till the disposal of the revision petition.

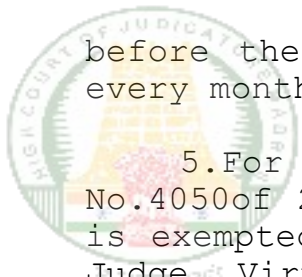
3.It is specifically stated in the affidavit filed by the second petitioner that the first petitioner/A2 has been convicted for the offence under Section 324 of I.P.C. and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.3,000/- in default to undergo three months simple imprisonment and the second petitioner/A3 has been convicted for the offence under Section 323 of I.P.C. and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment. It is stated that the first petitioner/A2 is in jail.

4.When the matter came up for hearing, the learned counsel for the petitioners submitted that the defacto complainant has compounded the offence and a memo of compromise has also been filed before this Court, wherein, the defacto complainant has expressed that he has no objection for allowing the revision application. However, the defacto complainant is not a party in the revision petition. Hence, the compromise memo cannot be recorded straightaway. However, taking into consideration the facts and circumstances of the case, this Court, suspends the substantial sentence alone, pending disposal of the criminal revision with the following conditions:

i)the petitioners/revision petitioners/A2 and A3 shall be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Srivilliputhur;

<https://hcservices.ecourts.gov.in/hcservices/>

ii)the petitioners/revision petitioners/A2 and A3 shall appear



before the said Court once in a month viz., first working day of every month until further orders.

5. For the above mentioned facts and circumstances, CrI.M.P.(MD) No.4050 of 2016 is allowed and the petitioner/revision petitioner/A3 is exempted from surrendering before the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in CrI.A.No.104 of 2009 dated 11.03.2015 confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Srivilliputhur in C.C.No.69 of 2008 dated 02.11.2009, till the disposal of the revision petition.

sd/-
23/05/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
2. THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
4. THE SUB INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
6. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

+ 2 CC to M/S K.MUTHUMALAI Advocate SR.No. 26832, 26833

ORDER
IN
CRL MP(MD) Nos.4050 and
4051 of 2016
IN
CRL RC(MD) No.300 of 2016
Date :23/05/2016