



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10786 of 2018

IN

CRL RC(MD) No.664 of 2018

RAMARAJA

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
PAPPAKUDI POLICE STATION,
TIRUNELVELI.
IN CRIME NO. 24 OF 2012

... 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 passed by the Additional District & Sessions Judge, Tenkasi in Crl.A.No. 90 of 2017 dated 16.11.2018 by confirming the sentence passed in CC.NO. 135 of 2017 dated 23.11.2017 on the file of the learned Judicial Magistrate, Alangulam.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.SIVABALAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate on behalf of the Respondent, while admitting the CRL.R.C., the court made the following order:-

This petition is filed to enlarge the petitioner on bail by suspending the sentence passed by the Additional District and Sessions Judge, Tenkasi in Crl.A.No.90 of 2017, dated 16.11.2018 by confirming the sentence passed in C.C.No.135 of 2017, dated 23.11.2017 on the file of the learned Judicial Magistrate, Alangulam.

2.The petitioner was convicted and sentenced to undergo simple imprisonment for a period of three months for the offence under Section 448 IPC and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo three months simple imprisonment for the offence under Section 354 of IPC, and the conviction and sentences ordered to run concurrently in C.C.No.135 of 2017 by the learned Judicial Magistrate, Alangulam, dated 23.11.2017.



3.As against the said conviction and punishment, the petitioner has preferred an appeal in CrI.A.No.90 of 2017 before the learned Additional District and Sessions Judge, Tenkasi. The learned Additional District and Sessions Judge, Tenkasi, modified the conviction rendered by the trial Court. As against the judgment in the appeal, the petitioner has preferred a revision in CrI.R.C.(MD) No.664 of 2018. In this criminal revision case, the petitioner has filed the petition and prayed for the suspension of sentence pending disposal of the said revision.

4.Heard the submissions made on both sides and perused the judgment and other records available.

5.It is seen that the Court below has failed to consider that the charge sheet was filed by the Investigating Officer on 14.02.2012 but in the charge sheet, the Sub Inspector of Police made his signature and mentioned the date as 29.01.2012 which clearly shows that the entire evidence has been prepared on 29.01.2012. Therefore, the petitioner has been roped in falsely. It is also seen that none of the witnesses has stated that the petitioner trespassed into the defacto complainant's house.

6.After considering the above submissions, this Court finds that there are arguable points involved to be decided in the Criminal Revision. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the present Miscellaneous Petition is allowed and the sentence of imprisonment awarded by the trial Court is hereby suspended until further orders in this petition and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Alangulam, subject to a condition that the petitioner shall appear before the said Court once in a month i.e, on the first working day of every month at 10.30 A.M until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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

TO

<https://hcservices.courts.gov.in/hcservices/>
THE ADDITIONAL DISTRICT &
SESSIONS JUDGE, TENKASI



2 THE JUDICIAL MAGISTRATE
ALANGULAM, TIRUNELVELI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
PAPPAKUDI POLICE STATION,
TIRUNELVELI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to MR.K.SIVABALAN Advocate SR.No.24141

ORDER
IN
CRL MP (MD) No.10786 of 2018
IN
CRL RC (MD) No.664 of 2018
Date :27/12/2018

AE/VR/SAR-III/28.12.2018-3P/8C