



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

Thursday, the Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) Nos.628 & 629 of 2020

IN

CRL RC (MD) No.72 of 2020

MURUGANANTHAM

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PATTEESWARAM POLICE STATION,
KUMBAKONAM.
(CRIME NO.28/2012)

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL MP (MD) No.628 of 2020:

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 judgment made in C.A.No.13/2019 on the file of the Additional District and Sessions Judge (Fast Track Court) Kumbakonam, dated 21.11.2019 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Kumbakonam made in C.C No.181 of 2012 dated 07.01.2019.

Prayer in CRL MP (MD) . 629/ 2020 :

to pass an order for exemption from surrendering the petitioner before the trial court for the conviction and sentence made in C.A.No.13/2019 on the file of the Additional District and Sessions Judge (Fast Track Court) Kumbakonam, dated 21.11.2019 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Kumbakonam made in C.C.No.181 of 2012 dated 07.01.2019.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.K.GUHAN, Advocate for the petitioner in both the petitions and of MR.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl.side) on behalf of the Respondent in both the petitions, the court made the following order:-



The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the alleged offence under Section 324 of IPC (2 counts), and sentenced him to undergo simple imprisonment for a period of one year for each count and for the alleged offence under Section 326 of IPC, and sentenced him to undergo simple imprisonment for the period of two years and to pay a fine of Rs.5,00/-, in default to undergo simple imprisonment for a period of one month C.C.No.181 of 2012, on the file of the learned Judicial Magistrate No.II, Kumbakonam.

2.The learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, confirmed the conviction and sentence and dismissed the Criminal Appeal No.13 of 2019, dated 21.11.2019.

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

4.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also 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 and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam;

(ii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending revision.



8.The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
06/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
(FAST TRACK COURT), KUMBAKONAM.
 - 2 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 4. THE INSPECTOR OF POLICE
PATTEESWARAM POLICE STATION, KUMBAKONAM.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.K.GUHAN Advocate SR.No.2506

ORDER IN
CRL MP (MD) Nos.628 & 629 of 2020
IN CRL RC (MD) No.72 of 2020
Date :06/02/2020

MS/SKN/SAR-4/07.02.2020/3P.7C