



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

Thursday, the Twenty Third day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.494 of 2020
IN
CRL OP(MD) No.821 of 2020

ALAKESAN

... PETITIONER/ PETITIONER/ PETITIONER

Vs

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE
CUM REVENUE DIVISIONAL OFFICER,
KUMBAKONAM, THANJAVUR DISTRICT.

... RESPONDENT

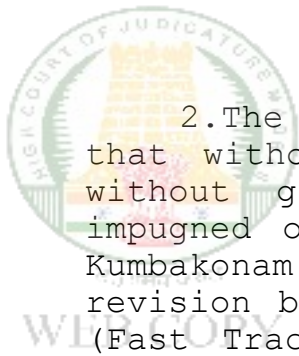
2 STATE REP. BY
THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

... 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 imprisonment imposed by the 1st respondent in M.P.No.3/2019 in MC.No.115/2019 dated 06.06.2019 and its subsequent confirmation by the Honble Additional District and Sessions Judge (Fast Track Court), Kumbakonam in Crl.R.P.No.49/2019 dated 19.10.2019 and enlarge the petitioner on bail, pending disposal of the above said Criminal Original Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.INDRACHITHU, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondents, while admitting the CRL OP., the court made the following order:-

This criminal miscellaneous petition has been filed to suspend the sentence of imprisonment imposed by the first respondent in M.P.No.3 of 2019 in M.C.No.115 of 2019, dated 06.06.2019 and its subsequent confirmation by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam in Crl.R.C.No.49 of 2019.



2.The learned counsel appearing for the petitioner would submit that without following the procedure contemplated under law and without giving sufficient opportunity to the petitioner, the impugned order has been passed by the Revenue Divisional Office, Kumbakonam. Against the impugned order, the petitioner also filed revision before the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam in Crl.R.C.No.49 of 2019 and the learned Judge without properly considered the matter, has confirmed the same. He would further submit that the petitioner has been convicted to undergo imprisonment for a period of one year and he also completed 7 months in the said period.

3.Per contra, learned Additional Public Prosecutor appearing for the respondents would submit that the prosecution, through cogent and convincing testimony, has proved the offence committed by the accused and on proper appreciation of the oral and documentary evidence, the petitioner has been convicted and sentenced to undergo one year imprisonment and, therefore, this petition for suspension of sentence is liable to be dismissed.

4.This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

5.On a consideration of the submissions of either side and taking into consideration the fact that the criminal original petition is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner.

6. Accordingly, the miscellaneous petition is allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the criminal original petition and the petitioner is directed to be enlarged on bail on condition that the petitioner executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned Judicial Magistrate Court No.III, Thanjavur, Thajavur District, and on further condition that the petitioner shall appear before the Inspector of Police, Ayyampettai Police Station, Thanjavur District at 10.30 a.m., on every Monday until further orders.

sd/-
23/01/2020

/ TRUE COPY /

/ /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.III
THANJAVUR, THANJAVUR DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

4 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE
CUM REVENUE DIVISIONAL OFFICER,
KUMBAKONAM, THANJAVUR DISTRICT.

5 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY,

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

+1 CC to M/s.T.INDIRA CHITHU, Advocate (SR-1327[I] dated 23/01/2020
)

ORDER
IN
CRL MP (MD) No.494 of 2020
IN
CRL OP (MD) No.821 of 2020
Date :23/01/2020

GNS
JM/VR/SAR 2/23.01.2020/3P/9C