



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

Tuesday, the Twenty Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.1459 and 1460 of 2020
IN
CRL RC(MD) No.169 of 2020

TAMILVILLALAN

... PETITIONER/PETITIONER
IN BOTH PETITIONS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
TRAFFIC INVESTIGATION WING,
THANJAVUR.
CRIME NO.174 OF 2011

... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.1459 of 2020 IN CRL RC(MD) No.169 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.96/2019 on the file of the Additional District cum Sessions Judge/Special Judge for Essential Commodities Act (Additional Full In Charge), Thanjavur dated 16.12.2019 confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.III, Thanjavur made in C.C.No.212 of 2013 dated 02.07.2019 pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL MP(MD)No.1460 of 2020 IN CRL RC(MD) No.169 of 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.96/2019 on the file of the Additional District cum Sessions Judge/Special Judge for Essential Commodities Act (Additional Full In Charge), Thanjavur dated 16.12.2019 confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.III, Thanjavur made in C.C.No.212 of 2013 dated 02.07.2019 pending disposal of the above Criminal Revision Petition.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.K.GUHAN, Advocate for the petitioner in both petitions, and of Mr.A.P.G.Ohm Chairma Prabhu, Government Advocate (Crl.Side) on



behalf of the Respondent in both 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 279 of IPC and to pay a fine of Rs.5,00/-, in default to undergo simple imprisonment for a period of one month and for the alleged offence under Section 338 of IPC and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month and for the alleged offence under Section 304(A) of IPC and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of one month in C.C.No.212 of 2013 on the file of the learned Judicial Magistrate No.3, Thanjavur.

2.The learned Additional District and Sessions Judge/Special Judge for Essential Commodities Act (Additional Full Incharge), Thanjavur confirmed conviction and sentence and dismissed the Crl.A.No.96 of 2019, dated 16.12.2019.

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 and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond 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.III, Thanjavur, and on further condition that the petitioner shall appear before the concerned 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/-
25/02/2020

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

TO

- 1.THE ADDITIONAL DISTRICT CUM SESSIONS JUDGE/
SPECIAL JUDGE FOR ESSENTIAL COMMODITIES ACT,
(ADDITIONAL FULL IN-CHARGE), THANJAVUR.
 - 2.THE JUDICIAL MAGISTRATE NO III, THANJAVUR.
 - 3.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 4.THE INSPECTOR OF POLICE
TRAFFIC INVESTIGATION WING, THANJAVUR.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.K.GUHAN Advocate SR.No.4001

ORDER
IN
CRL MP(MD) Nos.1459 and 1460
of 2020 IN
CRL RC(MD) No.169 of 2020
Date :25/02/2020

vsd
TK/VR/SAR.4/26.02.2020/3P/7C