



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

Thursday, the Fifteenth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5032 of 2020
IN
CRL RC(MD) No.570 of 2020

MUTHUKAMAN

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
C-1, THIDEER NAGAR POLICE STATION,
MADURAI CITY.
CRIME NO.635 OF 2003

... RESPONDENT/ RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence alone imposed in S.C.No.41 of 2015 dated 09.01.2017 by the learned Chief Judicial Magistrate, Madurai, being confirmed in C.A.No.24/2017 dated 17.07.2019 by the IV th Additional District and sessions Judge, Madurai, pending disposal of the Criminal Revision Case.

PRAYER IN CRL RC(MD) No.570 of 2020:

Pleased to call for entire records pertaining to the Judgment in C.A.No.24/2017 dated 17.07.2019 passed by the Learned IV th Additional District and Sessions Judge, Madurai by confirming the order of conviction and sentence in S.C.No.41/2015 dated 09.01.2017 passed by the Learned Chief Judicial Magistrate, Madurai and set-aside the same.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.GOPINATH, Advocate for the petitioner and of Mrs.S.BHARATHI Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned IV Additional District and sessions Judge, Madurai, in C.A.No.24 of 2017 dated 17.07.2019, till the disposal of the



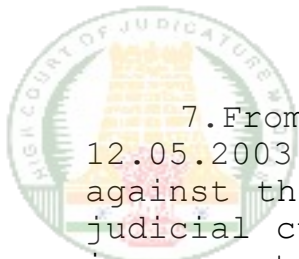
2.The case against the petitioner is that on 12.05.2003 at about 3.30 p.m, during the routine checkup, the respondent police stopped a white colour ambassador Car MDA -6744, in which, the petitioner and four others travelled, at that time, the respondent police found a Country bomb, three knives and one suri knife and chilli power of 50 gms wrapped in a newspaper. Hence, a case was registered under Sections 399, 402 I.P.C and Section 27 of the Indian Arms Act and Section 5(a) of the Indian Explosive Substance Act against the petitioner and others. After investigation, a charge sheet was filed.

3.The case was taken on file by the learned Chief Judicial Magistrate, Madurai in S.C.No.41 of 2015. After trial, the learned Chief Judicial Magistrate, Madurai convicted the petitioner and others and sentenced them to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo a further period of one month simple imprisonment under Section 402 of IPC and sentenced them to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo a further period of one month simple imprisonment under Section 27 of Arms Act and sentenced them to undergo four years rigorous imprisonment and to pay of fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo further period of one month simple imprisonment under Section 5(2) of Explosives Substances Act.

4.As against the said conviction and sentence, the petitioner has preferred an Appeal in CrI.A.(MD)No.24 of 2017 before the learned IV Additional District and Sessions Judge, Madurai and the said appeal was dismissed by confirming the trial Court order. Aggrieved over the same, the petitioner preferred this Criminal Revision Case along with the suspension of sentence application.

5.On the side of the petitioner, it is stated that the petitioner is A1 in the case. The prosecution has examined 13 witnesses and marked 11 documents and three material objects. Out of 13 witnesses, 11 were Police Officials and other two turned hostile. The alleged occurrence took place on 12.05.2003. For the past 10 years, there is no other case filed against the petitioner. The petitioner is in custody from 05.02.2020. The sentence imposed on A2 was already suspended and prayed the sentence imposed on the petitioner to be suspended.

6.On the side of the prosecution, it is stated that Accused Nos. 3 to 5 are absconding and the Non-Bailable Warrants are pending against them. Accused No.1 has filed a petition and the same is still pending. He fairly submitted that there is no other case pending against this petitioner for the past 16 years.



7.From the records, it is seen that the case was registered on 12.05.2003 and it is stated that there is no other case pending against the petitioner for the past 16 years. The petitioner is in judicial custody from 05.02.2020 onwards. Considering the period of incarceration and considering the fact that the sentence imposed on the co-accused was already suspended, this Court is inclined to grant suspension of sentence till the disposal of the revision and the petitioners are ordered to be released on bail on the following conditions:

(i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Madurai ;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii)the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision.

sd/-
15/10/2020

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

TO

- 1.THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3.THE INSPECTOR OF POLICE,
C-1, THIDEER NAGAR POLICE STATION, MADURAI CITY.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.5032 of 2020
IN
CRL RC(MD) No.570 of 2020
Date :15/10/2020

MRN
TK/VR/SAR.4/20.10.2020/3P/6C

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