



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

Wednesday, the Sixteenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6677 of 2020

IN

CRL RC(MD) No.667 of 2020

SAVIOR RAJ

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID,CC WING,
MADURAI DISTRICT.
IN CRIME NO.1 OF 2011

... RESPONDENT/ RESPONDENT

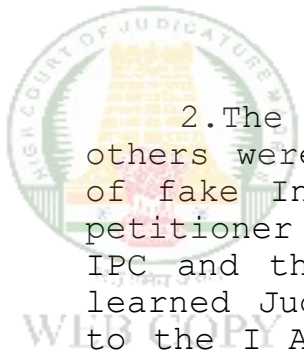
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the order sentence passed in Crl.A.No.127 of 2018, dated 24.01.2020 on the file of the VI Additional Sessions Court, Madurai and confirming the conviction order passed in S.C.No.81 of 2013 dated 08.10.2018 on the file of the 1st Additional Assistant Sessions court, Madurai pending disposal of the Criminal Revision Petition.

PRAYER IN CRL RC(MD) No.667 of 2020:

To call for the records pertaining to the dismissal order passed in Crl.A.No.127 of 2018 dated 24.01.2020 on the file of the learned VI Additional Sessions Court, Madurai, confirming the judgment of conviction order passed in S.C.No.81 of 2013 dated 08.10.2018 on the file of the learned 1st Additional Assistant Sessions court, Madurai and set aside the same and to acquit the 2nd accused and set the revision petitioner at liberty by allowing this Criminal Revision Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.MARIMUTHU, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned VI Additional Sessions Judge, Madurai in Crl.A.No.127 of 2018 dated 24.01.2020, till the disposal of the revision.



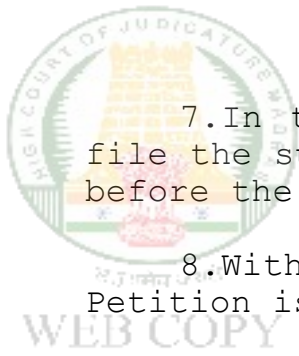
2.The case against the petitioner is that the petitioner and others were arrested by the respondent police for their possession of fake Indian currency notes. A case was registered against the petitioner in Crime No.1 of 2011 under Sections 489(A) to 489(D) of IPC and the same was taken on file as P.R.C.No.1 of 2013 by the learned Judicial Magistrate no.IV, Madurai. The same was committed to the I Additional Assistant Sessions Court, Madurai in S.C.No.81 of 2013. The learned Judge found the petitioner not guilty under Sections 489(A), 489(B), 489(D), 120(B) r/w. 34 of IPC but the petitioner was found guilty under Section 489(C) of IPC and he was sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo six months simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in C.A.No.127 of 2018 before the learned VI Additional Sessions Judge, Madurai. The appeal was dismissed and the conviction and sentence imposed by the trial Court was confirmed. Against which, the petitioner filed the present Criminal Revision Case. Along with revision, the petitioner filed this petition for suspension of sentence till the disposal of the revision.

3.On the side of the petitioner, it is stated that the Sub Inspector was examined as P.W.1 and she is the person, who has registered the FIR, which is illegal. Out of the two accused, A1 died. The allegation against the petitioner is that he was in possession of counterfeit currency. There is no independent witness was examined. Out of the four years imprisonment, the petitioner has already undergone two years two months imprisonment. Due to covid situation, the petitioner was not able to file the revision and he has filed the delay excused petition and the same was also allowed and prayed the sentence to be suspended.

4.On the side of the petitioner, it is stated that there are much more arguable points in the main revision case. It is stated that the sentenced imposed upon the petitioner has to be suspended and the petitioner is to be exempted from surrendering.

5.On the side of the prosecution, it is stated that the prosecution has examined 11 witnesses and marked 9 documents. The conviction and sentence imposed by the trial Court was confirmed by the first appellate Court. Both the Courts could not grant suspension of sentence, as the petitioner is not in custody now. If the sentence imposed on the petitioner is suspended or if the petitioner is exempted from surrendering, it will be taken as a wrong precedent in future. The petitioner committed serious offence, which is against the society and prayed to dismiss the petition.

6.It is seen that the offence is against the society. The petitioner has not appeared before the Appellate Court on the date of the judgment.



7.In the above circumstances, the petitioner is at liberty to file the suspension of sentence petition, after surrendering himself before the trial Court.

8.With the above direction, this Criminal Miscellaneous Petition is dismissed.

sd/-
16/12/2020

/ TRUE COPY /

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

Note:In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
- 2 THE 1ST ADDITIONAL ASSISTANT SESSIONS JUDGE,
MADURAI.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, CC WING, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.6677 of 2020
IN
CRL RC(MD) No.667 of 2020
Date :16/12/2020

MS/PN/SAR-2/28.12.2020/3P.5C