



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

Tuesday, the Twenty Third day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1293 of 2021
in
CRL RC(MD)No.745 of 2020

1.P.MARAN
2.P.STALIN

... PETITIONERS/REVISION PETITIONERS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
CRIME NO.81/2015.

... 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 sentence pursuant to the judgment of conviction rendered in C.A.No.59/2018 dated 13.10.2020 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Theni, confirming the judgment in C.C.No.283/2015 dated 16.08.2018 on the file of the Judicial Magistrate, Uthamapalayam, pending disposal of the above Criminal Revision Petition.

PRAYER In CRL RC(MD)No.745 of 2020:

Pleased to admit the Revision Petition on file and to call for the records in C.A.No.59 of 2018 dated 13.10.2020 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, Confirming the judgment in CC.No.283 of 2015 dated 16.8.2018 on the file of the Judicial Magistrate, Uthamapalayam, and duly set aside the judgment of the courts below by acquitting the Revision Petitioners.

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.L.PRABAKARAN, Advocate for the petitioners and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, while admitting the Criminal Revision Petition, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, in C.A.No.59 of 2018 dated 13.10.2020, till the disposal of the revision.



2.The case against the petitioners is that on 21.02.2015, the petitioners assaulted the defacto complainant and one other person and caused injuries and threatened to kill the witnesses. A case in Crime No.81 of 2015 was registered under Section 294(b), 324 and 506 (ii) of IPC against the petitioners and the case was taken on file as C.C.No.283 of 2015 before the learned Judicial Magistrate, Uthamapalayam. The learned Judicial Magistrate found A1 and A2 guilty under Sections 294(b) of IPC and sentenced them to undergo three months rigorous imprisonment each and to pay a fine of Rs.1,000/- (Rupees One Thousand only) each in default to undergo twenty days simple imprisonment each. A1 was found guilty under Section 326 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo nine months simple imprisonment and A2 was convicted under 324 of IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) in default to undergo six months simple imprisonment.

3.Against which, the petitioners have filed an appeal in C.A.No.59 of 2018 before the learned Sessions Judge, Mahalir Neethimandram, Theni. The sentence was modified to the effect that both the petitioners were sentenced to undergo one month simple imprisonment each and to pay a fine of Rs.1,000/- each in default to undergo one week simple imprisonment for offence under Section 294 (b) of IPC. A1 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for offence under Section 326 of IPC and A2 was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) in default to undergo one month simple imprisonment for offence under Section 324 of IPC. Aggrieved by the same, the petitioners have filed a revision in Crl.R.C.(MD)No.745 of 2020. Along with the revision, the petitioners have filed this petition for suspension of sentence till the disposal of the revision.

4.On the side of the petitioners, it is stated that there are grounds for acquittal in the revision. It is further stated that the earlier petition filed by the petitioners in Crl.M.P.(MD)No.7958 of 2020 was dismissed by this Court with a direction that the petitioners have to surrender before the trial Court. Obliging the order of this Court, the petitioners have surrendered before the trial Court and the trial Court has suspended the sentence in Cr.M.P (MD)Nos.282 and 155 of 2021, dated 19.02.2021 and subsequently, the petitioners have filed this revision. This is the second petition for suspension of sentence and prayed the sentenced to be suspended.

5.On the side of the prosecution, it is admitted that the petitioners have surrendered before the trial Court and the sentence



6. Since the petitioners have surrendered before the trial Court, the trial Court suspended the sentence and it is seen that there are some arguable points for consideration in favour of the petitioners to be decided in the Revision. Considering the facts and circumstances of the case and also considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the Revision and the petitioners are ordered to be released on bail on the following conditions:

(i) the petitioners are 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 Judicial Magistrate, Uthamapalayam;

(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 petitioners shall appear before the Trial Court daily at 10.30 a.m., until further orders.

sd/-
23/02/2021

/ TRUE COPY /

/ /2021
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 SESSIONS JUDGE, MAHALIR NEETHMANDRAM,
(FAST TRACK COURT), THENI.

2. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM

<https://hcservices.ecourts.gov.in/hcservices/>



3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

4.THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1. C.C. to Mr.L.PRABAKARAN Advocate SR.No.1346

ORDER
IN
CRL MP (MD) No.1293 of 2021
in
CRL RC (MD) No.745 of 2020
Date :23/02/2021

SJI
TK/PN/SAR.1/25.02.2021/4P/7C