



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

Monday, the Eighth day of March Two Thousand and Twenty One

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL MP(MD) Nos.1600 to 1602 of 2021  
in  
CRL RC(MD)No.147 of 2021

SHAJAHAN

... PETITIONER/PETITIONER  
IN CRL MP(MD)No.1600 of 2021  
IN CRL RC(MD)No.147 of 2021

REJINA

... PETITIONER/PETITIONER  
IN CRL MP(MD)No.1601 of 2021  
IN CRL RC(MD)No.147 of 2021

RANI

... PETITIONER/PETITIONER  
IN CRL MP(MD)No.1602 of 2021  
IN CRL RC(MD)No.147 of 2021

Vs

SAHUL HAMEED

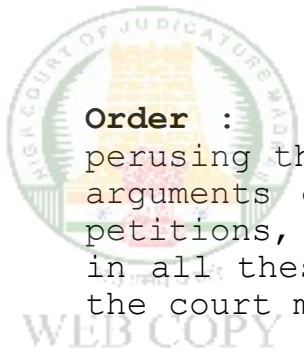
... RESPONDENT/ RESPONDENT  
IN ALL THESE PETITIONS

**COMMON PRAYER IN IN CRL MP(MD)Nos.1600 to 1602 of 2021 IN CRL RC(MD) No.147 of 2021:**

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 of imprisonment imposed in Criminal Appeal No.14 of 2019 on the file of the Additional District and Sessions Judge(Fast Track Court), Kumbakonam, dated 05.03.2020, by which confirming the judgment and conviction order in C.C.No.257 of 2011 on the file of the learned Judicial Magistrate Court No.2, Kumbakonam, dated 20.12.2018 pending disposal of the above Criminal Revision Petition.

**PRAYER IN CRL RC(MD)No.147 of 2021:**

Pleased to call for records and set aside the judgment and conviction dated 05.03.2020 made in Criminal Appeal No.14 of 2019 on the file of the Additional District and Sessions Judge(Fast Track Court), Kumbakonam, by which confirming the judgment and conviction order in C.C.No.257 of 2011 on the file of the learned Judicial Magistrate Court No.2, Kumbakonam, dated 20.12.2018, and acquit the petitioners/accused Nos.1 to 3.



**Order :** These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.K.GUHAN, Advocate for the petitioner in all these petitions, and of Mr.K.ESAKKI, Advocate on behalf of the Respondent in all these petitions, while admitting the Criminal Revision Case, the court made the following order:-

These petitions have been filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Kumbakonam in C.A.No.14 of 2019 dated 05.03.2020, till the disposal of the revision.

2.The allegation against the petitioners is that the petitioners obtained a sum of Rs.50,000/- (Rupees Fifty Thousand only) from the defacto complainant for getting a job at Yemen and to get visa. The petitioners executed an agreement. The defacto complainant came to know that the visa is a forged one and he requested the passport to be returned to him. They failed to return the passport and also refused to return the amount. A private complaint was filed by the defacto complainant against the petitioners. The same was taken on file as C.C.No.257 of 2011 before the Judicial Magistrate No.II, Kumbakonam. After trial, the petitioners were found guilty under Section 420 of IPC and were sentenced to undergo six months simple imprisonment each and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) each in default to undergo two months simple imprisonment each under Section 420 of IPC. Against the conviction and sentence imposed by the trial Court, the petitioners have filed an appeal in C.A.No.14 of 2019 before the Additional District and Sessions Judge (Fast Track Court), Kumbakonam. The appeal was dismissed by the learned Sessions Judge. Against which, the petitioners have preferred a revision in Crl.R.C.(MD)No.147 of 2021. Along with the revision, they have filed the present applications for suspension of sentence pending disposal of the said revision.

3.On the side of the petitioners, it is stated that the petitioners are in custody from 08.02.2021 I.e. For the past one month. A1 is a physically challenged person. A2 is having two children to be taken care of and A3 is having some problem in speech and prayed the sentence imposed upon the petitioners to be suspended.

4.The learned counsel for the respondent has no serious objection in allowing this petition.

5.In view of the above submission, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended 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) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

(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 their valid identity card to ensure their identity.

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

sd/-  
08/03/2021

/ TRUE COPY /

/ /2021  
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.2, KUMBAKONAM.

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

4.THE SUPERINTENDENT,  
CENTRAL PRISON FOR WOMEN, TRICHY.

5.THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

+1. C.C. to Mr.K.GUHAN Advocate SR.No.1888

ORDER  
IN  
CRL MP(MD) Nos.1600 to 1602  
of 2021 in  
CRL RC(MD)No.147 of 2021  
Date :08/03/2021

MRN  
TK/VR/SAR.2/09.03.2021/3P/7C

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