



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

Thursday, the Eighteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2322 of 2021
in
CRL A(MD)No.141 of 2021

M.KARTHICK

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

... 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 passed in the judgment delivered by the Sessions Judge, Karur in S.C.No.67 of 2019 by judgment dated 25.02.2021 pending the disposal of the main Criminal Appeal pending on the file of this Hon'ble Court.

PRAYER IN CRL A(MD)No.141 of 2021:

Pleased to call for records and set aside the judgment of sentencing the appellant/accused passed in S.C.No.67 of 2019 dated 25.02.2021 on the file of the Sessions Judge, Karur and acquit the appellant/accused for the charges framed against him in the interest of justice.

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.A.SIVASUBRAMANIAN, Advocate for the petitioner and of Mrs.S.BHARATHI Government Advocate, on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Karur, in S.C.No.67 of 2019, dated 25.02.2021, till the disposal of the criminal appeal.



2. The case against the petitioner and two other juvenile persons is that they ride the bike bearing Registration No.TN-41-K-1640 in a rash and negligent manner and insulted the victims in filthy language and by mentioning the Caste name, thereby, a case in Crime No.23 of 2018 was registered by the respondent police against the petitioner and two other juveniles and the same was taken on file as S.C.No.67 of 2019 by the Sessions Judge, Karur. The Sessions Judge, Karur, found the petitioner guilty under Section 4 of Tamil Nadu Prohibition of Harassment Woman Act and convicted the petitioner to undergo simple imprisonment for a period of three months and to pay a fine of Rs.10,000/-, in default, to undergo a further period of one month simple imprisonment and acquitted the petitioner under Section 294(b) I.P.C. r/w. Sections 3(1)(r), 3(1)(s) and Section 3(1)(w) (ii) of SC/ ST (POA) Act. Against the conviction and sentence, the petitioner filed Crl.A.(MD)No.141 of 2021. Along with the appeal, the petitioner filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the only allegation against the petitioner is that he laughed at the victims at the time of occurrence. No other allegation is charged against the petitioner. There are points for arguments in the main appeal and prayed the sentence to be suspended.

4.On the side of the respondent, it is admitted that the lower Court has granted suspension of sentence and no other serious objection was raised by the respondent.

5.Considering the fact that the petitioner was granted suspension of sentence by the trial Court and considering the fact that the petitioner was enjoying bail through out the trial, this Court is inclined to suspend the sentence, till the disposal of the appeal.

6.Accordingly, Crl.M.P(MD).No.2322 of 2021 is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is 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) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Karur.

(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 petitioner shall appear before the Trial Court as and when required for interrogation by the Court.

sd/-
18/03/2021

WEB COPY

/ 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, KARUR.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.2322 of 2021
in
CRL A (MD) No.141 of 2021
Date :18/03/2021

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TK/VR/SAR.4/18.03.2021/3P/4C