



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

Thursday, the Twenty Ninth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3011 of 2021
in
Crl.RC(MD)No.304 of 2021

NATARAJAN

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVEGAMPET POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.21 OF 2015.

... RESPONDENT/ RESPONDENT

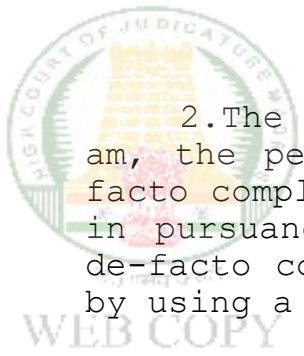
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the petitioner in CC.No.69 of 2015 dated 6.8.2018 on the file of the Judicial Magistrate, Devakottai and confirming the conviction passed in Crl.A.No.107 of 2018 dated 9.10.2020 on the file of the Additional District and Sessions Judge, Sivagangai District pending disposal of the above Criminal Revision Petition.

Prayer in Crl.RC(MD)No.304 of 2021:

To call for the records pertaining to the impugned order passed in Crl.A.No.107 of 108 in CC.No.69 of 2015 dated 6.8.2018 on the file of the Judicial Magistrate, Devakottai and set aside the same.

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.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the Additional District and Sessions Judge, Sivagangai, District, in Crl.A No.107of 2018, dated 09.10.2020, confirming the judgement of the Judicial Magistrate, Devakottai, passed in C.C No.69 of 2015, dated, 06.08.2018, pending disposal of the criminal revision.



2.The case of the prosecution is that on 02.02.2015 at 05.00 am, the petitioner was standing in nude position and when the de-facto complainant questioned the same, there was a wordy quarrel and in pursuance thereof, the petitioner alleged to have attacked the de-facto complainant on the left side forehead and right side elbow by using a wooden stick, which causes bleeding injury.

3.The petitioner was convicted by the trial court for the offence under section 323 IPC and section 4 of TNP[HW Act and sentenced him to undergo 6 months Rigorous Imprisonment for the offence under section 323 IPC and also sentenced him to undergo 2 years Rigorous Imprisonment with a fine of Rs.10,000/-, in default of payment of fine, to undergo 3 months Simple Imprisonment for the offence under section 4 of TNPHW Act, which was confirmed by the first appellate court.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and prays for suspension of sentence.

5.Per contra, it is submitted by the learned Government Advocate (Criminal side) appearing for the respondent/State that the trial court has rightly convicted the petitioner, which was confirmed by the first appellate court and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

6.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

7.The learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to be approved by the Judicial Magistrate, Devakottai and on



further condition that the petitioner shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending revision.

sd/-
29/04/2021

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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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI DISTRICT.

2 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE
THIRUVEGAMPET POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.3011 of 2021
in Cr1.RC(MD)No.304 of 2021
Date :29/04/2021

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MS/PN/SAR-4/30.04.2021/3P.6C