



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

Tuesday, the Twenty Seventh day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2838 of 2021
in
Crl.RC(MD)No.289 of 2021

MURUGAN

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CBCID, THENI 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 imposed in C.C.No.215/2009 on the file of the Judicial Magistrate, Theni Dated 28.03.2014 which was Confirmed in Crl.A.No.21 of 2014 on the file of the Additional District and Sessions Court, Periyakulam dated 29.01.2021 pending disposal of the above Revision Petition.

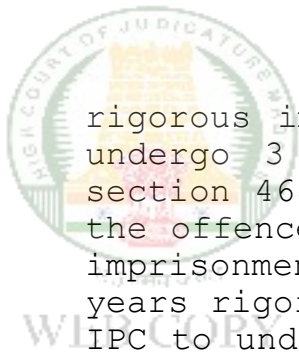
Prayer in Crl.RC(MD)No.289 of 2021:

To set aside the conviction passed in Crl.A.No.21 of 2014 on the file of the Additional District and Sessions Court, Periyakulam dated 29.01.2021 which was confirmed in C.C.No.215 of 2009 on the file of the Judicial Magistrate, Theni dated 28.03.2014 and allow the 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.C.VAKEESWARAN, Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Counsel for State Government (Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in CC No.215 of 2009 on the file of the Judicial Magistrate, Theni, dated 28.03.2014, which was confirmed in Crl.A No.21 of 2014 by the Additional District and Sessions Judge, Periyakulam, 29.01.2021, pending disposal of the criminal revision.

2.The petitioner was convicted along with the other accused for the offence under sections 465, 467, 468, 471, 420 and 170 IPC and convicted under section 465 IPC and sentenced him to undergo 2 years



rigorous imprisonment; for the offence under section 467 of IPC to undergo 3 years of rigorous imprisonment; for the offence under section 468 of IPC to undergo 3 years of rigorous imprisonment; for the offence under section 471 of IPC to undergo 2 years of rigorous imprisonment; for the offence under section 420 of IPC to undergo 3 years rigorous imprisonment and for the offence under section 170 of IPC to undergo 1 year rigorous imprisonment and directed to run the sentences concurrently. Against which, the petitioner filed appeal in Crl.A No.21 of 2014 on the file of the Additional District and Sessions Judge, Periyakulam, which was also dismissed by the first appellate court. Along with the appeal, this petition has been filed for suspension of sentence.

3.Heard both sides and perused the materials available on record.

4.The learned counsel appearing for the petitioner/A2 submitted that there are contradiction of evidence in respect of prosecution witnesses and the complaint was falsely given and prays that the sentence imposed against the petitioner/A2 may be suspended.

5.The learned Standing counsel appearing for the respondent/State submitted that the both the courts below after careful perusal of the materials available on record, convicted the petitioners and prays for dismissal of the petition.

6.It is seen from the records that the petitioner along with the other accused, printed visiting cards and identity cards shown as an Advocate and made to believe that they are running institution, which was registered and make to believe the public that they are conducting cases as Human Rights Organisation. Considering the nature of offence committed by the accused, this court is not inclined to grant suspension of sentence to the petitioner/A2.

7.Accordingly, this criminal miscellaneous petition is dismissed.

sd/-
27/07/2021

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/ /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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PERIYAKULAM.

2 THE JUDICIAL MAGISTRATE, THENI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENID ISTRICT.

4 THE INSPECTOR OF POLICE
CBCID, THENI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.2838 of 2021 in
Crl.RC(MD)No.289 of 2021

Date :27/07/2021

er

MS/VR/SAR-4/10.08.2021/3P.6C