



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

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

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4303 of 2021
in
CRL RC(MD)No.414 of 2021

1 PERUMAL
2 MAYAKANNAN
3 SURYA @ NAGARAJAN

...1 TO 3 PETITIONERS/1 TO 3 REVISION
PETITIONERS/1 TO 3 APPELLANTS/1 TO 3 ACCUSED

Vs

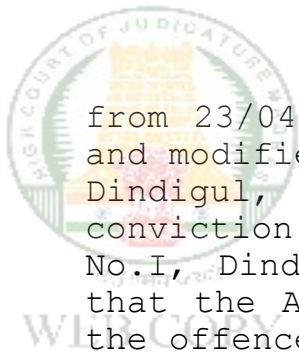
THE STATE THROUGH
THE SUB INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL.

CRIME NO. 163 OF 2019. ... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence passed in CC.No.500 of 2019 by the Learned Judicial Magistrate No.1, Dindigul District 03.02.2020 convicting the revision petitioners for the offence U/s.506(ii)IPC and sentencing them to undergo each three years rigorous imprisonment for the offence under section 506(ii) of I.P.C and custody period of A1 for the period from 23/04/2019 to 25/04/2019 ordered to be set off U/s 428 Cr.P.C and modified by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, Dindigul District as partly allowed by modifying the conviction and judgment passed by the learned Judicial Magistrate No.I, Dindigul in C.C.No.500 of 2019 dated 03.02.2020 with effect that the Appellants/Accused each shall under go two years R.I, for the offence punishable u/s 506(ii) I.P.C in Criminal Appeal No.15 of 2020 dated 17.03.2021 and enlarge the petitioners on bail pending disposal of main Criminal Revision Petition.

Prayer in CRL RC(MD)No.414 of 2021:

To call for records and set aside the conviction and sentence passed in C.C.No.500 of 2019 by the Learned Judicial Magistrate No.1, Dindigul District 03.02.2020 convicting the revision petitioners for the offence U/s.506(ii)IPC and sentencing them to undergo each three years rigorous imprisonment for the offence under section 506(ii) of I.P.C and custody period of A1 for the period



from 23/04/2019 to 25/04/2019 ordered to be set off U/s 428 Cr.P.C and modified by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, Dindigul District as partly allowed by modifying the conviction and judgment passed by the learned Judicial Magistrate No.1, Dindigul in C.C.No.500 of 2019 dated 03.02.2020 with effect that the Appellants/Accused each shall under go two years R.I, for the offence punishable u/s 506(ii) I.P.C in Criminal Appeal No.15 of 2020 dated 17.03.2021.

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.S.SARVAGAN PRABHU, Advocate for the petitioners and of Mr.M.S.SETHURAMAN, Standing Counsel for Government on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 506(ii) IPC, and each of them sentenced to undergo rigorous imprisonment for a period of three years in C.C.No.500 of 2019 on the file of the learned Judicial Magistrate No.1, Dindigul.

2.The learned Sessions Judge, Fast Track Mahila Court, Dindigul, Dindigul District, modified the conviction and sentence and partly allowed the Criminal Appeal No.15 of 2020, dated 17.03.2021.

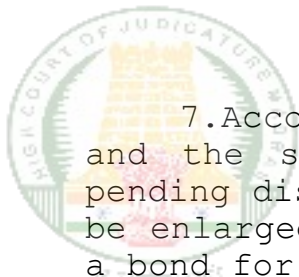
3.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned Standing Counsel appearing for State that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioners pointed out that 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 petitioners herein are entitled to the

<https://hccasecourts.gov.in/hccases> of suspension of sentence.



7. Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate No.I, Dindigul and on further condition that the petitioners shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

28/06/2021

/ 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 JUDICIAL MAGISTRATE NO.I, DINDIGUL.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.

4.THE SUB INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION, DINDIGUL.

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

+1. C.C. to MR.S.SARVAGAN PRABHU, Advocate SR.No.4177

ORDER

IN

CRL MP(MD) No.4303 of 2021

in

CRL RC(MD)No.414 of 2021

Date :28/06/2021

vsd

AE/PN/SAR-II/30.06.2021/3P/7C

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