



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of July Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2917 of 2021

IN

CRL RC(MD) No.298 of 2021

CHANDRU @ CHANDRA BOSE

...REVISION PETITIONER/APPELLANT/
SINGLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 40 OF 2017.

... RESPONDENT/RESPONDENT/
COMPLAINANT

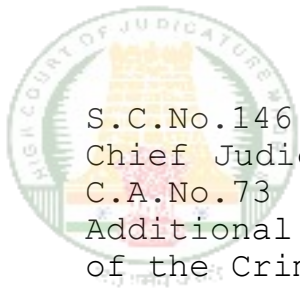
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the Sentence passed in S.C.No.146 of 2017 dated 25.06.2018 on the file of the Chief Judicial Magistrate, Sivagangai and the same was 'confirmed' in C.A.No.73 of 2018 dated 24.11.2020 on the file of the Learned Additional District and Sessions, Sivagangai, pending disposal of the above Criminal Revision.

Prayer in CRL RC(MD) No.298 of 2021:

Criminal Revision Case filed may be pleased to call for the records in S.C.No.146 of 2017 dated 25.06.2018 on the file of the Chief Judicial Magistrate, Sivagangai and the same was 'confirmed' in C.A. No.73 of 2018 dated 24.11.2020 on the file of the Learned Additional District and Sessions Judge, Sivagangai revise 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.N.MOHIDEEN BASHA, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State Government on behalf of the Respondent, while admitting the Criminal Revision Case, the Court made the following order:-

This petition is filed to suspend the sentence passed in
<https://hcservices.ecourts.gov.in/hcservices/>



S.C.No.146 of 2017, dated 25.06.2018 on the file of the learned Chief Judicial Magistrate, Sivagangai and the same was confirmed in C.A.No.73 of 2018, dated 24.11.2020 on the file of the learned Additional District and Sessions Judge, Sivagangai, pending disposal of the Criminal Revision.

WEB COPY

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 341 IPC, and to pay a fine of Rs.250/-, in default to undergo rigorous imprisonment for a period of one week and for the alleged offence under Section 294(b) IPC, and to pay a fine of Rs.250/-, in default to undergo rigorous imprisonment for a period of one week and for the alleged offence under Section 307 IPC, and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a period of six months in S.C.No.146 of 2017 on the file of the learned Chief Judicial Magistrate, Sivagangai.

3.The learned Additional District and Sessions Judge, Sivagangai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.73 of 2018, dated 24.11.2020.

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

5.Mr.RMS.Sethuraman, learned counsel appearing for State Government (Criminal side) submitted that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

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

7.The learned counsel appearing for the petitioner 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

8.Accordingly, the suspension of sentence 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 his executing a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for a like sum to



the satisfaction of the learned Judicial Magistrate, Manamadurai and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

28/07/2021

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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.
2. THE JUDICIAL MAGISTRATE,
MANAMADURAI.
3. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE,
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.2917 of 2021 IN

CRL RC(MD) No.298 of 2021

Date :28/07/2021

VSD

SRS/VR/SAR-IV/29.07.2021/3P/6C