



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

Friday, the Twenty Fifth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4275 of 2021

in

CRL RC(MD)No.411 of 2021

MAGENDRAN

... PETITIONER/PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CRIME No.120 OF 2008

... RESPONDENT/RESPONDENT/RESPONDENT/
COMPLAINANT

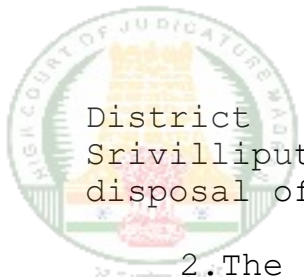
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed as against the petitioner passed by the Learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District in C.C.No.290 of 2008 dated 22/01/2013, modifying the said order by the Learned Additional District Court, Srivilliputhur, Virudhunagar District at Srivilliputhur in C.A.No.22 of 2013 dated 21.11.2019, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD)No.411 of 2021:

To call for the records and set aside the order of conviction inflicted as against the petitioner passed in C.C.No.290 of 2008 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District dated 22.01.2013, modified the said order passed by the Learned Additional District Court, Srivilliputhur, Virudhunagar District in C.A.No.22 of 2013 dated 21.11.2019.

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.M.JEGADEESH PANDIAN , Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Standing Counsel for the Government on behalf of the Respondent, while admitting the Criminal Revision Case, the Court made the following order:-

This petition has been filed to suspend the sentence imposed as against the petitioner passed by the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District in C.C.No.290 of 2008, dated 22.01.2013, modifying the said order by the learned Additional



District Court, Srivilliputhur, Virudhunagar District at Srivilliputhur in C.A.No.22 of 2013, dated 21.11.2019, pending disposal of the above Criminal Revision Petition.

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 304(A) IPC, and sentenced him to undergo rigorous imprisonment for a period of one year and for the alleged offence under Section 337 IPC (32 counts) and sentenced to undergo rigorous imprisonment for a period of two months and for the alleged offence under Section 338 IPC (8 counts) and sentenced to undergo rigorous imprisonment for a period of six months and the sentences are ordered to be run concurrently in C.C.No.290 of 2008, on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

3.The learned Additional District Judge, Srivilliputhur, Virudhunagar District, confirmed the conviction and modified the sentence as two years rigorous imprisonment for the offence under Section 304(A) IPC and six months rigorous imprisonment for the offence under Section 337 IPC (32 counts) and one year rigorous imprisonment for the offence under Section 338 IPC (8 counts), in Criminal Appeal No.22 of 2013, dated 21.11.2019.

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.It is submitted by the learned Standing Counsel appearing for State that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

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 No.II, Srivilliputhur, Virudhunagar District 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.

WEB COPY

sd/-
25/06/2021

/ TRUE COPY /

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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 JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2.THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 3.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4.THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.4275 of 2021
in
CRL RC(MD)No.411 of 2021
Date :25/06/2021

vsd
AE/PN/SAR-III/28.06.2021/3P/7C