



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

Tuesday, the Twenty Third day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD)Nos.6617 and 6622 of 2020
in
Crl.R.C. (MD)Nos.659 and 660 of 2020

KRISHNAN @ MUTHUKRISHNAN ... PETITIONER/ REVISION PETITIONER/
APPELLANT
in Crl.M.P.(MD)No.6617 of 2020
in Crl.R.C. (MD)No.659 of 2020

SARKUNA DEVI @ DEVI ... PETITIONER/ REVISION PETITIONER/
APPELLANT
in Crl.M.P.(MD)No.6622 of 2020
in Crl.R.C. (MD)No.660 of 2020

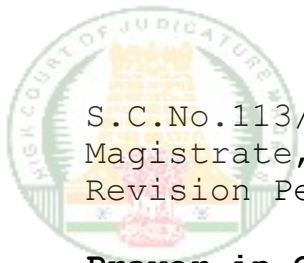
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI. ... RESPONDENT/ REVISION RESPONDENT/
RESPONDENT
in Crl.M.P.(MD)No.6617 of 2020
in Crl.R.C. (MD)No.659 of 2020

STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI.
(CRIME NO.22 OF 2006) ... RESPONDENT/ REVISION RESPONDENT/
RESPONDENT
in Crl.M.P.(MD)No.6622 of 2020
in Crl.R.C. (MD)No.660 of 2020

Prayer in Crl.M.P. (MD)No.6617 of 2020 in Crl.R.C. (MD)No.659 of 2020:

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 Pursuant to the Judgment of Conviction rendered in C.A.No.66 of 2016 dated 16.06.2020 on the file of the Additional District and Sessions Judge, Sivagangai, Confirming the Judgment in



S.C.No.113/2020, dated 17.09.2016 on the file of Chief Judicial Magistrate, Sivagangai, pending disposal of the above Criminal Revision Petition.

Prayer in Crl.M.P. (MD)No.6622 of 2020 in Crl.R.C. (MD)No.660 of 2020:

To Suspend the Sentence Pursuant to the Judgment of Conviction rendered in C.A.No.82 of 2016 dated 16.06.2020 on the file of the Additional District and Sessions Judge, Sivagangai, Confirming the Judgment in S.C.No.113/2020, dated 17.09.2016 on the file of Chief Judicial Magistrate, Sivagangai, pending disposal of the above Criminal Revision Petition.

Prayer in Crl.R.C. (MD)No.659 of 2020:

To call for the records in C.A.No.66 of 2016 dated 16.06.2020 on the file of the Additional District and Sessions Judge, Sivagangai, Confirming the Judgment in S.C.No.113 of 2020, dated 17.09.2016 on the file of Chief Judicial Magistrate, Sivagangai, and duly set aside the judgment of the courts below by acquitting the Revision Petitioner.

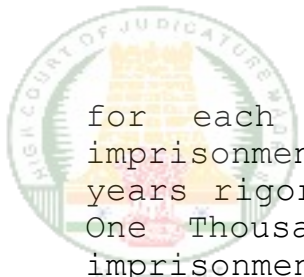
Prayer in Crl.R.C. (MD)No.660 of 2020:

To call for the records in C.A.No.82 of 2016 dated 16.06.2020 on the file of the Additional District and Sessions Judge, Sivagangai, Confirming the Judgment in S.C.No.113 of 2020, dated 17.09.2016 on the file of Chief Judicial Magistrate, Sivagangai, and duly set aside the judgment of the courts below by acquitting the Revision Petitioner.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.J.JEYAKUMARAN, Advocate for the petitioner in both the petitions and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent in both the petitions, the court made the following order:-

These petitions have been filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Sivagangai in C.A.Nos.66 and 82 of 2016 dated 16.06.2020, till the disposal of the revisions.

2.The case against the petitioners is that the petitioners printed counterfeit currency notes and used them for circulating among the public. A case in Crime No.22 of 2006 was registered against the petitioners and the case was taken on file as S.C.Nos.113 of 2010 before the learned Chief Judicial Magistrate, Sivagangai. The learned Judicial Magistrate found A1 guilty under Sections 489(A), 489(B), 489(C) and 420 of IPC and found A3 guilty under Section 489(B) r/w. 34, 489(C) and 420 of IPC. A1 was sentenced to undergo seven years rigorous imprisonment for each offence and to pay a fine of Rs.1,000/- (Rupees One Thousand only)



for each offence in default to undergo six months rigorous imprisonment for each offence. A3 was sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo six months rigorous imprisonment for each offence.

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3. Against which, the petitioners have filed appeals in C.A.No.66 and 82 of 2016 before the learned Additional District and Sessions Judge, Sivagangai. The appeals were dismissed by the learned Judge. Aggrieved by the same, the petitioners have filed revisions in Crl.R.C.(MD)Nos.659 and 660 of 2020. Along with the revisions, the petitioners have filed these petitions for suspension of sentence till the disposal of the revisions.

4. On the side of the petitioners, it is stated that counterfeit currency notes was seized from A3. On confession of A3, A2 was impleaded in the case. On the confession of A2, A1 was impleaded in the case. A1 is the owner of a row of house. A2 is tenant in one of the house. There is no other connection between A2 and A1. The Inspector of Police, who registered the case and the Investigation Officer, who filed the chargesheet were not examined as witnesses, since both of them were dead. P.W.6 did not support the case of the prosecution. The seizure witness turned hostile. P.W.1, P.W.3, P.W.4 and P.W.5 are police Officials. Though A2 was residing in one of the row of houses, the neighbors of A2 were not examined as witnesses. The person who sold the machineries was not arrested. The source of currency was not proved. The observation mahazer and sketch were not prepared. P.W.8 and P.W.11 are police officials. Their evidence is not valid. There are much more points in the revisions and prayed the sentenced to be suspended.

5. On the side of the prosecution, it is stated that since A2 was absconding, the case against A2 was split up as S.C.No.92 of 2013 and the same is pending trial for the examination of P.W.4 and P.W.7. In this case, the confession of A1 was marked as Ex.P5, the seizure report was marked as Ex.P10. The admitted portion of the confession of A3 was marked as Ex.P12. The admitted portion of the confession of A2 was marked as Ex.P14. The seizure mahazers were marked as Ex.P13 and Ex.P15. The admitted portion of the confession statement of A1 were Ex.P9 and Ex.P16. The forensic report was marked as Ex.P7. The prosecution has examined 12 witnesses and marked 17 documents and marked 31 material objects and proved the case beyond all reasonable doubts and prayed the petitions to be dismissed.

6. It is seen that the offence alleged against the petitioners is serious in nature affecting the nation. It is seen that the petitioners have not appeared before the appellate Court on the date of judgment.



7. In the above circumstances, the petitioners are at liberty to file petitions for suspension of sentence, after surrendering themselves before the trial Court. Hence, these Criminal Miscellaneous Petitions are dismissed at the present stage.

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sd/-
23/03/2021

/ /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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CrI.M.P. (MD) Nos. 6617 and 6622 of 2020
in
CrI.R.C. (MD) Nos. 659 and 660 of 2020
Date : 23/03/2021
2/2

MRN
MS/VR/26.03.2021/4P.5C