



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

Tuesday, the Twenty Third day of November Two Thousand and Twenty
One
PRESENT

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The Hon`ble Mrs.Justice R.THARANI
CRL MP(MD) No.6509 & 6510 of 2021
in
CRL RC(MD) No.594 of 2021

1 VEERAMANI @ ASAI
2 MUTHUMARI

... PETITIONERS/PETITIONERS
IN BOTH THE CASES

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO. 35 OF 2014)

... RESPONDENT/RESPONDENT
IN BOTH THE CASES

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 by the Learned Principal District and Sessions Judge, Ramanthapuram in dated 22.04.2021 in Crl.A.No.6 of 2021 confirming the order Learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District in C.C.No.188 of 2014 dated 30.12.2020, pending disposal of the main criminal revision petition and release the petitioners on bail.

Prayer in CRL MP(MD). 6510/ 2021 :

To Exempt the petitioners from surrendering before the Trial Court in pursuance of the Judgement of the Learned Principal District and Session Judge, Ramanathapuram in dt 22.04.2021 in Crl.A.No.6 of 2021 confirming the order learned district munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District in C.C.No.188 of 2014 dated 30.12.2020, pending disposal of the main criminal revision petition.

Prayer in CRL RC(MD). 594/ 2021 :

To call for the records of the impugned Judgement dated 22.04.2021 in Crl.A.No.6 of 2021 passed by the Learned Principle District and Sessions Judge, Ramanathapuram Confirming the order in C.C.No.188 of 2014 dated 30.12.2020 on the file of the Learned District Munsif Cum Judicial Magistrate, Kamudhi, Ramanathapuram District and set-aside the same by allowing the revision petition.

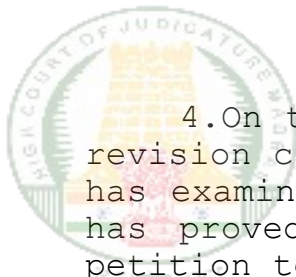


Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.JEYA RHUTHRAN.AR, Advocate for the petitioner in all the cases and of Mr.K.SANJAY GANDHI, Government Advocate on behalf of the Respondent in all the cases, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the Sentence of imprisonment imposed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.A.No.6 of 2021 dated 22.04.2021 confirming the order learned District Munsif cum Judicial Magistrate, Kamudhi, Ramanathapuram District in C.C.No.188 of 2014 dated 30.12.2020, pending disposal of the main criminal revision petition and to exempt the petitioner from surrendering before the trial Court.

2.The case against the petitioners is that on 03.10.2014 at about 6.45 pm, the second petitioner and another accused enter into the house of PW.1 and assaulted PW.1 and caused her injuries. When PW.1 tried to run away, the first petitioner assaulted her with fire wood. A case in Crime No.35 of 2014 was registered against the petitioners and was taken on file as S.C.No.188 of 2014 under Section 324 IPC and Section 4 of Women Harassment Act, against A1 under Sections 452, 294(b), 323, 324 IPC, against A2 under Sections 452, 294(b), 323 against A3. The charge against the third accused is abated. The first accused was convicted and he was sentenced to undergo six months simple imprisonment under Section 324 I.P.C and he was sentenced to undergo three years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo a further period of three months simple imprisonment under Section 4 of Women Harassment Act. The second accused was convicted under Section 452 of I.P.C and was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo a further period of one month simple imprisonment. The second accused was acquitted under Sections 294(b), 323 and 324 I.P.C. Against the order of the learned Judicial Magistrate, Kamuthi, the petitioners have filed an appeal in Crl.A.No.6 of 2021 on the file of the learned Principal District Judge, Ramanthapuram and the same was dismissed. Against which, the petitioners have filed a revision petition in Crl.R.C.(MD)No.594 of 2021 and along with the revision, the petitioners have filed the petition for suspension of sentence and for exemption of surrendering before the trial Court.

3.On the side of the revision petitioners, it is stated that the fine amount was paid by the petitioners. Only due to petty quarrel among the neighbors, this false case was registered against the petitioners and prayed the sentence to be suspended and for exemption of surrendering before the trial Court.



4. On the side of the prosecution, it is stated that the present revision case is against the concurrent judgements. The prosecution has examined 9 witnesses and marked 7 documents and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

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5. It is seen that the petitioners were absent on the date of pronouncement of judgment before the appellate Court and they have come forward with an exemption petition. Hence, this Court is not inclined to grant suspension of sentence to the petitioners at the present stage. The petitioners are directed to surrender before the trial Court and then file a petition for suspension of sentence.

6. With the above direction, Crl.M.P.(MD)No. 6509 of 2021 is disposed of. Accordingly, Crl.M.P.No. 6510 of 2021 is dismissed.

sd/-

23/11/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUDI, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+2. C.C. to M/S. JEYA RHUTHRAN.AR Advocate SR.No.8500,8499

ORDER

IN

CRL MP (MD) No.6509

& 6510 of 2021

in

CRL RC (MD) No.594 of 2021

Date :23/11/2021

SS/CN/SAR-IV/22.12.2021 : 3P/7C