



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

Wednesday, the Twenty Seventh day of October Two Thousand
and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.8820 of 2021

IN

CRL RC(MD) No.753 of 2021

M. VEERAMALAI

... REVISION PETITIONER/RESPONDENT
/RESPONDENT

Vs

STATE REP BY,
THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE,
KULITHALAI TALUK,
KARUR DISTRICT.

(CRIME NO.828 OF 2005).

... RESPONDENT/ APPELLANT/COMPLAINANT

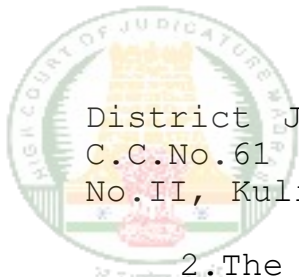
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and grant bail to the petitioner imposed in the Judgement dated 22/3/2021 in Crl A.No.25/2020 on the file of the District Judge,Karur reversing the order of acquittal passed in CC No.61 of 2007 on file of the Learned Judicial Magistrate No.II, Kulithalai, Karur District on 28.07.2017 pending disposal of the above Criminal Revision Petition till the disposal of the instant Criminal Revision petition.

PRAYER IN CRL RC(MD)No. 753 of 2021:

Pleased to call for the records and set aside the order passed in Criminal Appeal No. 25 of 2020 on the file of the District Judge, Karur and confirm t he order passed in C.C.No. 61 of 2007 dated 28.07.2017 on the file of the Learned Judicial Magistrate No.II, Kulithalai, Karur District and acquit the Revision Petitioner.

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.K.SEEMARAJ, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR,Additional Public Prosecutor 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 passed in Crl.A.No.25 of 2020, dated 22.03.2021 on the file of the learned



District Judge, Karur reversing the order of acquittal passed in C.C.No.61 of 2007 on the file of the learned Judicial Magistrate No.II, Kulithalai, Karur, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been acquitted by the trial Court in C.C.No.61 of 2007. Dissatisfied with the said acquittal, the State has preferred an appeal before the learned District Court, Karur in C.A.No.25 of 2020. The learned District Judge after considering the arguments advanced on either side came to the conclusion that the petitioner is found guilty for the offences punishable under Sections 471 r/w 466 and 420 of IPC, convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for one month for the offence under Section 471 r/w 466 of IPC and further convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month for an offence under Section 420 of IPC. Both sentences shall run concurrently.

3. Challenging the above said conviction and sentence, the petitioner has filed CrI.R.C.(MD)No.753 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

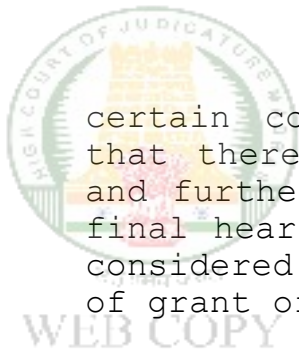
4.Heard Mr.K.Seemaraj, learned counsel for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent/State.

5.It is submitted by the learned counsel 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. The learned counsel for the petitioner further submitted that while at the time of convicting the accused, the appellate Court has not questioned the accused in respect of quantum of sentence, thereby, the petitioner herein has lost his opportunity to file a petition under Section 389 (1) Cr.P.C., for suspending the sentence before the appellate Court.

6.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

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

8.The learned counsel for the petitioner pointed out that there are contradictions 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.

9. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai, Karur.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
27/10/2021

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/ /2021

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

am

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 DISTRICT JUDGE,
KARUR.

2 THE JUDICIAL MAGISTRATE NO.II,
KARUR DISTRICT.

<https://hcservices.courts.gov.in/Articles/>



3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4 THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE,
KULITHALAI TALUK,
KARUR DISTRICT.

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

+1cc to Mr.K.SEEMARAJ, Advocate, Sr.No. 7568(I) dated 28/10/2021

ORDER

IN

CRL MP(MD) No.8820 of 2021

IN

CRL RC(MD) No.753 of 2021

Date :27/10/2021

PKP/JM/SAR-2/27.10.2021/4P/7C