



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

Friday, the Twenty Ninth day of October Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

WEB COPY

CRL MP(MD) No.9059 of 2021
in
CRL RC(MD)No. 769 of 2021

ARUMUGAM

... PETITIONER/PETITIONER

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 13/2012)

... RESPONDENT/RESPONDENT

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 Sessions Judge Virudhunagar District at Srivilliputhur in C.A.No.103 of 2018 dated 13.12.2019 confirming the judgment passed by the Learned Judicial Magistrate No.II Srivilliputhur in C.C.No.73/2013 dated 24.04.2018 and enlarge the petitioner on bail pending disposal of the criminal revision petition.

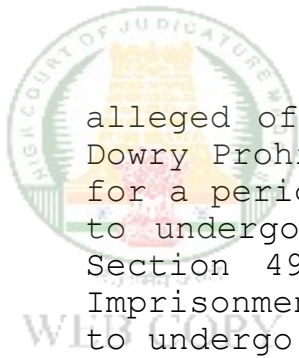
PRAYER IN CRL RC(MD)No. 769 of 2021:

To call for the records and set aside the judgment passed in C.A.No. 103 of 2018 dated 13.12.2019 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputhur confirming the judgment passed by the Learned Judicial Magistrate No.II Srivilliputhur in C.C.No. 73 of 2013 dated 24.04.2018 and allow the Criminal Revision Petition (or) remand back the case to the trial court for retrial.

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.V.SELVAKUMAR, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.73 of 2013, dated 24.04.2018 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and the same was confirmed in C.A.No.103 of 2018, dated 13.12.2019 on the file of the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted <https://hservices.ecourts.gov.in/hservices/> that the petitioner has been convicted by the trial Court for the



alleged offences punishable under Sections 498(A) and Section 4 of Dowry Prohibition Act and sentenced to undergo Rigorous Imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for one month for an offence under Section 498(A) of IPC and further sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month.

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.103 of 2018 before the Principal Sessions Court, Virudhunagar District at Srivilliputhur. The learned Principal Sessions Court, Virudhunagar District at Srivilliputhur confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the revision petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is in incarceration from 04.09.2021.

5.Mr.M.Muthumanikkam, learned counsel appearing for the respondent 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 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, Srivilliputhur.

<https://hcservices.ecourts.gov.in/hcservices/> 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/-

29/10/2021

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/ /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 PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

3 DO THROUGH:THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to Mr.V.SELVAKUMAR, Advocate SR.No.7661(I) dated 29/10/2021
ORDER

IN

CRL MP(MD) No.9059 of 2021
and

CRL RC(MD)No.769 of 2021

Date :29/10/2021