



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

Monday, the Fourth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7958 of 2020

IN

CRL RC(MD) No.745 of 2020

1 P.MARAN
2 P.STALIN

... PETITIONERS/REVISION PETITIONERS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
CRIME NO. 81 OF 2015.

... RESPONDENT/RESPONDENT

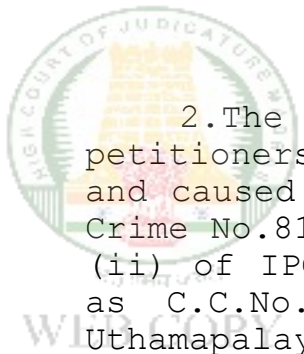
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence pursuant to the judgment of conviction rendered in C.A.No.59 of 2018 dated 13.10.2020 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, Confirming the judgment in CC.no. 283 of 2015 dated 16.8.2018 on the file of the Judicial Magistrate, Uthamapalayam, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD) No.745 of 2020:

To admit the Revision Petition on file and to call for the records in C.A.No.59 of 2018 dated 13.10.2020 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, Confirming the judgment in CC.No. 283 of 2015 dated 16.8.2018 on the file of the Judicial Magistrate, Uthamapalayam, and duly set aside the judgment of the courts below by acquitting 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.L.PRABAKARAN, Advocate for the petitioners and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethimandaram (Fast Track Mahila Court), Theni in C.A.No.59 of 2018 dated 13.10.2020, till the disposal of the revision.



2.The case against the petitioners is that on 21.02.2015, the petitioners assaulted the defacto complainant and one other person and caused injuries and threatened to kill the witnesses. A case in Crime No.81 of 2015 was registered under Section 294(b), 324 and 506 (ii) of IPC against the petitioners and the case was taken on file as C.C.No.283 of 2015 before the learned Judicial Magistrate, Uthamapalayam. The learned Judicial Magistrate found A1 and A2 guilty under Sections 294(b) of IPC and sentenced them to undergo three months rigorous imprisonment each and to pay a fine of Rs.1,000/- (Rupees One Thousand only) each in default to undergo twenty days simple imprisonment each. A1 was found guilty under Section 326 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo nine months simple imprisonment and A2 was convicted under 324 of IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) in default to undergo six months simple imprisonment.

3.Against which, the petitioners have filed an appeal in C.A.No.59 of 2018 before the learned Sessions Judge, Mahalir Neethimandram, Theni. The sentence was modified to the effect that both the petitioners were sentenced to undergo one month simple imprisonment each and to pay a fine of Rs.1,000/- each in default to undergo one week simple imprisonment for offence under Section 294 (b) of IPC. A1 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for offence under Section 326 of IPC and A2 was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) in default to undergo one month simple imprisonment for offence under Section 324 of IPC. Aggrieved by the same, the petitioners have filed a revision in Crl.R.C.(MD)No.745 of 2020. Along with the revision, the petitioners have filed this petition for suspension of sentence till the disposal of the revision.

4.On the side of the petitioners, it is stated that there are grounds for acquittal in the revision and prayed the sentence to be suspended.

5.On the side of the prosecution, it is stated that the suspension of the sentence was not granted to the petitioners by the trial Court. The petitioners have not surrendered before the first Appellate Court and prayed the petition to be dismissed.

6.It is seen that the petitioners were absent on the date of pronouncement of judgment by the first Appellate Court. The sentence was not suspended on that date.

7.In the above circumstances, the petitioners are at liberty to file a petition for suspension of sentence, after surrendering to the trial Court.



8. In view of the above direction, this Criminal Miscellaneous Petition is dismissed at the present stage.

sd/-
04/01/2021

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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 SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT), THENI.
 - 2 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.L.PRABHAKARAN, Advocate (SR-110[I] dated 06/01/2021)

ORDER
IN
CRL MP (MD) No.7958 of 2020
IN
CRL RC (MD) No.745 of 2020
Date :04/01/2021

MRN
JM/PN/SAR IV/08.01.2021/3P/7C