



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

Wednesday, the Tenth day of November Two Thousand and Twenty One

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL MP(MD) No.9437 of 2021

IN

CRL RC(MD)No.805 of 2021

SARAVANAN

... PETITIONER/PETITIONER

**Vs**

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
BODI TOWN POLICE STATION,  
THENI DISTRICT.  
C.R.NO. 33 OF 1996.

... 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 of imprisonment imposed by the Assistant Sessions Court(Sub Court)Theni in SC.No.41 of 2009 vide its order dated 08.08.2016 confirming the judgment of conviction by the learned Additional District (Fast Track)Judge, Theni, Theni District.

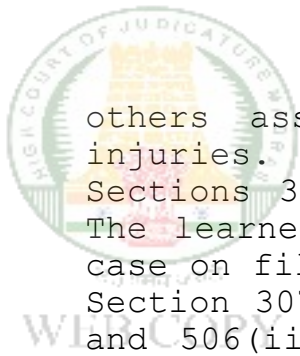
**PRAYER IN CRL RC.No.805/2021:**

To call for the records of the Assistant Sessions Court(Sub Court), Theni in S.C.No.41 of 2009 vide its order dated 08.08.2016 which was subsequently confirmed by the learned Additional District (Fast Track) Judge, Theni, Theni District in C.A.No.48 of 2016 vide his judgment dated 27.06.2018

**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.R.L.DHILIPAN PANDIAN, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, 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 Additional Sessions Court (Sub Court), Theni, in S.C.No.41 of 2009 dated 08.08.2016, till the disposal of the appeal.

2. The case against the petitioner is that on 23.03.1996, at about 23.15 hours, due to previous enmity, the petitioner and two



others assaulted the witnesses and caused one Selvam grievous injuries. A case in Crime No.33 of 1996 was registered under Sections 326, 307, 506 (ii) of I.P.C against the petitioner / A1. The learned Sessions Judge, Mahila Court, Pudukkottai, take up the case on file as S.C.No.41 of 2009 and the Sessions Judge altered the Section 307 into 326 and acquitted the petitioner under Section 326 and 506(ii) of I.P.C. The trial Court convicted the petitioner under Section 326 of IPC and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default to undergo a further period of two months rigorous imprisonment, by judgment, dated 08.08.2016.

3. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.48 of 2016 before the Additional District (Fast Track) Judge, Theni, Theni District. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 27.06.2018. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.805 of 2021. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

4. On the side of the revision petitioner, it is stated that the first appellate Court has failed to appreciate the material contradictions in the evidence. No independent witness supported the case of the prosecution. Without appointment of Amicus Curiae to assist the petitioner the Court has dismissed the appeal for default.

5. On the side of the prosecution, it is stated that the date of judgment is 27.06.2018. The petitioner has not chosen to proceed with the appeal. If the petitioner is released on bail, the petitioner will abscond and prayed the petition to be dismissed.

6. It is seen that originally the case was registered against the petitioner in the year 1996. The appeal is filed in the year 2016. From 2016 till June 2018, the petitioner has not chosen to proceed with the Appeal and the appeal was dismissed for default. The petitioner is in custody from 19.10.2021, ie., for a period of less than one month.

7. In view of the same, this Court is not inclined to suspend the sentence at the present. Hence, this petition is dismissed.

sd/-

10/11/2021

/ TRUE COPY /

/ /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 ASSISTANT SESSIONS JUDGE  
(SUBORDINATE COURT), THENI.
- 2 THE ADDITIONAL DISTRICT JUDGE  
(FAST TRACK),  
THENI, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
BODI TOWN POLICE STATION,  
THENI DISTRICT.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 cc to Mr.R.L.DHILIPAN PANDIAN, Advocate, SR.No.7965

**ORDER**

**IN**

CRL MP (MD) No.9437 of 2021

IN

CRL RC (MD) No.805 of 2021

Date :10/11/2021

SA/PN/SAR.2/12.11.2021/3P/7C