



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

Thursday, the Eighteenth day of November Two Thousand and Twenty  
One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)No.9860 of 2021  
in  
Crl.R.C.(MD)No.843 of 2021

SURYA

... PETITIONER/ PETITIONER

Vs

1 THE SUB DIVISIONAL MAGISTRATE / REVENUE DIVISIONAL OFFICER,  
KOVILPATTI,  
KOVILPATTI TALUK, THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE  
KOVILPATTI WEST POLICE STATION, KOVILPATTI,  
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT OF PRISON  
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT OF PRISON  
DISTRICT JAIL, PERAVURANI,  
THOOTHUKUDI DISTRICT.

... RESPONDENTS/ RESPONDENTS

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 passed by the 1<sup>st</sup> respondent/the Sub Divisional Magistrate/the Revenue Divisional Officer, Kovilpatti, Kovilpatti Taluk, Thoothukudi in MC. No. 565/2021, dated 25.09.2021 and release the detenu by name Surya, aged about 22 years, S/o.Murugan, now confined at the Central Prison, Palyamkottai pending disposal of this Criminal Revision Petition.

Prayer in CRL RC(MD). 843/ 2021 :

To call for the records pertaining to the order dated. 25.09.2021 passed by the 1<sup>st</sup> respondent/the Sub Divisional Magistrate/the Revenue Divisional Officer, Kovilpatti, Kovilpatti Taluk, Thoothukudi in MC. No. 565/2021 and set aside the same as illegal.

Order : This petition coming up for orders on this day, upon  
<https://hsevisccourts.gov.in/sevpict/> petition filed in support thereof and upon hearing the



arguments of Mr.N.PRAGALATHAN, Advocate for the petitioner and of MR.K.SURESH KUMAR, Government Advocate on behalf of the Respondents, the court made the following order:-

This petition has been filed to suspend the sentence passed by the first respondent in M.C.No.565 of 2021 dated 25.09.2021, till the disposal of the revision.

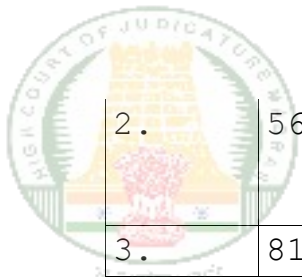
2.The second respondent referred a case in M.C.No.561 of 2021 under Section 110 of Cr.P.C., before the first respondent. The petitioner executed a bond before the first respondent for maintaining good behavior for a period of one year. Subsequently, on 21.09.2021, the petitioner was arrested in a case in Crime No.836 of 2021 under Sections 294(b), 307, 506(ii) of IPC. On the requisition of the second respondent, the first respondent passed the impugned order under Section 122(1)(b) r/w. 117 of Cr.P.C., directing the petitioner to be in custody till 06.09.2022. Against that order, the petitioner preferred this revision petition and along with the revision, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the copies of the documents were not furnished to the petitioner. The legal assistance was denied to the petitioner. Though two witnesses were examined, the copy of the statement was not furnished to the petitioner. The petitioner was not given an opportunity to examine the witness. No proper enquiry was conducted and prayed the impugned order to be set aside.

4.On the side of the prosecution, it is stated that the petitioner is having 17 previous case including a murder case and most of the cases are grievous in nature. The impugned order was passed after proper verification of records and on proper enquiry and prayed the petition to be dismissed.

5.It is seen that two independent witnesses and an Investigation Officer were examined by the first respondent. The petitioner is having 11 previous cases. The particulars are follows:

| Sl.No. | Cr.No.   | Section                            | Stage |
|--------|----------|------------------------------------|-------|
|        |          | Kovilpatti West PS                 |       |
| 1.     | 568/2015 | 341, 294(b), 506(ii) IPC           | ACQ   |
| 2.     | 588/2015 | 109, 452, 294(b), 307, 506(ii) IPC | PT    |
| 3.     | 551/19   | 341, 294(b), 387, 307, 506(ii) IPC | PT    |
|        |          | Kovilpatti East PS                 |       |
| 1.     | 155/2017 | 294(b), 341, 506(ii), 326, 34 IPC  | PT    |



|    |          |                                                                                      |     |
|----|----------|--------------------------------------------------------------------------------------|-----|
| 2. | 56/2018  | 427, 506(ii), 120B, 380, 511, 34, 109, 364, 302, 294(b), 341, 342, 395, 396, 397 IPC | PT  |
| 3. | 81/2018  | 309 IPC                                                                              | UI  |
| 4. | 89/2019  | 294(b), 307, 341, 506(ii) IPC                                                        | PT  |
| 5. | 843/2021 | 294(b), 323, 342, 427, 506(ii) IPC & 40F TNPHW Act                                   | UI  |
|    |          | Kalugumalai PS                                                                       |     |
| 1. | 146/2017 | 302 IPC                                                                              | PT  |
| 2. | 143/2018 | 392, 397 IPC                                                                         | NTF |
|    |          | Melapalayam PS Tirunelveli District                                                  |     |
| 1. | 39/2018  | 147, 148, 224, 342, 294(b), 323, 324, 353, 307, 506(ii), 3 of TNPPDL Act             | PT  |

6.A perusal of the records reveals that the petitioner is involved in a murder case and four cases under Section 307 of IPC. One case under Section 309 of IPC. Only after verification of entire case, the Court can come to a conclusion.

7.Considering the previous antecedents of the petitioner and considering the period of incarceration, this Court is not inclined to suspend the sentence imposed on the petitioner. Hence, this petition is dismissed.

sd/-

18/11/2021

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/ /2021

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

TO

1 THE SUB DIVISIONAL MAGISTRATE / REVENUE DIVISIONAL OFFICER,  
KOVILPATTI,  
KOVILPATTI TALUK, THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE  
KOVILPATTI WEST POLICE STATION, KOVILPATTI,  
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3 THE SUPERINTENDENT OF PRISON  
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT OF PRISON  
DISTRICT JAIL, PERAVURANI, THOOTHUKUDI DISTRICT.



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

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ORDER

IN

Crl.M.P. (MD) No.9860 of 2021  
in

Crl.R.C. (MD) No.843 of 2021

Date :18/11/2021

MRN

MK/PN/SAR.III/24.11.2021/4P/6C