



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

Wednesday, the Twenty Second day of December Two Thousand and
Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) No.11033 of 2021
in
Crl.R.C. (MD) No.922 of 2021

LAKSHMI @ ATHILAKSHMI @ ASTALAKSHMI ... PETITIONER/PETITIONER

Vs

STATE REP BY
THE INSPECTOR OF POLICE
VIRUDHUNAGAR BAZAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO. 855 OF 2010)

... RESPONDENT/RESPONDENT

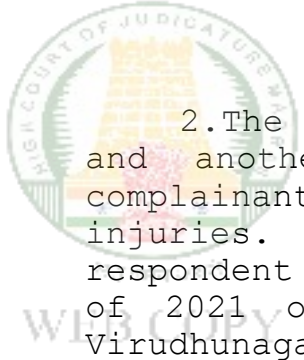
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed by the Additional District and Sessions Court Virudhunagar in Crl.A.No.05/2016 on 17.11.2021 in confirming the conviction and sentence imposed by the Judicial Magistrate Court No.I Virudhunagar in C.C.No. 155/2021 on 05.01.2016 pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 922/ 2021 :

To call for the records in the case in Additional District and Sessions Court, Virudhunagar in Crl.A.No.05/2016 on 17.11.2021 in confirming the conviction and sentence imposed by the Judicial Magistrate Court No.I Virudhunagar in C.C.No.155/2011 on 05.01.2016 and allow this Criminal Revision Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JOTHI BASU.M, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate 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 imposed against the petitioner in C.A.No.5 of 2016, dated 17.11.2021, on the file of the Additional District and Sessions Court, Virudhunagar, pending disposal of the revision.



2.The allegation against the petitioner is that the petitioner and another lady trespassed into the house of the defacto complainant and snatched her jewels by force and caused her injuries. A case in Crime No.855 of 2010 was registered by the respondent police and later the case was taken on file as C.C.No.155 of 2021 on the file of the learned Judicial Magistrate No.I, Virudhunagar. The learned Judicial Magistrate No.I, Virudhunagar found the accused guilty under Sections 451 and 394 of IPC and sentenced them to undergo two years rigorous imprisonment and to pay a fine of Rs.100/-, in default, to undergo a further period of three months of simple imprisonment for the offence under Section 451 of IPC and sentenced them to undergo three years rigorous imprisonment and to pay a fine of Rs.100/-, in default, to undergo a further period of six months of simple imprisonment for the offence under Section 394 of IPC. Against the conviction and sentence, the petitioner has filed an appeal in C.A.No.5 of 2016 on the file of the Additional District and Sessions Court, Virudhunagar. The appeal was dismissed by the Additional District and Sessions Court. Against the dismissal of the appeal, the petitioner has filed an revision before this Court in CrI.R.C.(MD)No.922 of 2021. Along with the revision, the petitioner has filed the present application for suspension of sentence pending disposal of the said revision.

3.On the side of the petitioner, it is stated that A1 and A2 are friends. It was A1, who entered the house of the defacto complainant and snatched the chain. The husband of the defacto complainant was examined as P.W.2 and that P.W.1 to P.W.3 are close relatives. The confession witnesses turned hostile. P.W.1 and P.W.3 are hearsay witnesses. The petitioner is having two children and she has to take care of her children and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that the present revision case has been filed against the concurrent judgment of both the Courts below. The petitioner is A2 and she was found guilty. The evidence of P.W.1 to P.W.3 clearly establish the case of the prosecution. The prosecution has examined nine witnesses and marked 20 documents and five material objects and proved the case beyond all reasonable doubts. The judgment is a recent one and prayed the petition to be dismissed.

5.Considering the nature of the offence and considering the fact that the judgment is a recent one and that the petitioner was absent on the date of judgment, this Court is not inclined to grant suspension of sentence to the petitioner. Hence, this petition is dismissed at the present stage. The petitioner is directed to surrender before the trial Court and then to approach this Court.

sd/-

22/12/2021

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/ /2022

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



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2. THE JUDICIAL MAGISTRATE NO. I,
VIRUDHUNAGAR.

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

4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR BAZAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CrI.M.P. (MD) No. 11033 of 2021
in

CrI.R.C. (MD) No. 922 of 2021

Date : 22/12/2021

VB/JM/SAR-IV/05.01.2022/3P/6C