



*Crl.M.P.No.19748 of 2022 in Crl.R.C.No.1661 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.19748 of 2022**  
**in Crl.R.C.No.1661 of 2022**

Kubendran

... Petitioner

Vs.

The Inspector of Police,  
All Women Police Station,  
Sirkazhi.  
(Crime No.01/2011)  
Respondent

...

**Prayer:** Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, pleaded to suspend the sentence passed by the learned Additional District & Sessions Judge, Myladuthurai in charge of Mahila Court, Nagaipattinam in C.A.No.03 of 2017 judgment dated 25.02.2021 confirming the judgment passed in C.C.No.35 of 2011 on the files of Judicial Magistrate, Sirkazhi dated 01.02.2017 enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

For Petitioner : Mr.S.T.Raja

For Respondent : Mr.V.Meganathan,  
Government Advocate (Crl. Side)

**ORDER**



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.35 of 2011, vide judgement dated 01.02.2017, which was confirmed by the first Appellate Court in C.A.No.3 of 2017, vide judgment dated 25.02.2021, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Sirkazhi by judgment dated 01.02.2017 convicted the petitioner for the offences punishable under Sections 498A and 506(ii) IPC and sentenced him as extracted hereunder.

| <b>Conviction under Section</b> | <b>Sentence</b>                                                                                                 |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 498(A) IPC                      | 1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months imprisonment. |
| 506(ii) IPC                     | 1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months imprisonment      |

The learned Magistrate ordered the above sentence to run concurrently. Challenging the above judgment, the petitioner preferred an appeal in C.A.No.3 of 2017, which was also confirmed by the learned Additional District and Sessions Judge, Fast Track Mahila Court, Nagaipattinam in C.A.No.03 of 2017, vide judgment dated 25.02.2021



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3. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. I have perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is



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ordered to be released on bail on his *executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sirkazhi.*

(ii) The petitioner and 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.

(iii) The petitioner shall appear before the Trial Court, as and when required.

**23.12.2022**  
**(2/2)**

mst

**To**

- 1.The Additional District & Sessions Judge,  
Fast Track Mahila Court, Nagaipattinam.
- 2.The Judicial Magistrate, Sirkazhi.
- 3.The Inspector of Police,  
All Women Police Station,  
Sirkazhi.
- 4.The Public Prosecutor, High Court, Madras.



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**V.SIVAGNANAM, J.**

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**(2/2)**