



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

Wednesday, the Twentieth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.3913 of 2022
IN
CRL RC(MD) No.307 of 2022

GOVINDAN

... REVISION PETITIONER/PETITIONER

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.545 OF 2011)

... 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 conviction, passed in C.A.No.36 of 2017 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur Dated 29.09.2021 confirming the order of conviction passed in C.C.No.86 of 2012 dated 15.03.2017 on the file of the Learned Judicial Magistrate, Rajapalayam, pending disposal of the above Criminal Revision Petition on the file of this Hon'ble Court.

PRAYER IN CRL RC(MD) No.307 of 2022:

To call for records and set aside the order passed in C.A.No.36 of 2017 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur dated 29.09.2021 confirming the order of conviction passed in C.C.No.86 of 2012 dated 15.03.2017 on the file of the Learned Judicial Magistrate, Rajapalayam by allowing the 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.K.R.LAXMAN, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

The petitioner is the accused in C.C.No.86 of 2012 on the file of the learned Judicial Magistrate, Rajapalayam. By order dated 15.03.2017, he had been convicted under Section 304(A) of IPC and



sentenced to undergo simple imprisonment for six months. Challenging the same, he has filed an appeal in C.A.No.36 of 2017 on the file of the learned Principal District and Sessions Judge, Srivilliputhur, Virudhunagar and the same was dismissed by confirming the conviction and sentence imposed by the trial court. Challenging the same, the petitioner is before this Court with Crl.R.C.(MD) No.307 of 2022. Pending disposal of the same, the petitioner has come forward with this petition seeking suspension of substantive sentence of imprisonment.

2.I have heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and also perused the records carefully.

3.It is submitted by the learned counsel for the petitioner that the petitioner has surrendered on 19.04.2022 and there are arguable points in his favour.

4.In view of all the above, I am inclined to suspend the substantive sentence of imprisonment pending disposal of the revision. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner is directed to be enlarged on bail, on the following condition:

(i)The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam.

(ii)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; and

(iii)The petitioner shall appear before the respondent police daily at 10.30 am for a period of four weeks and thereafter, once in a month i.e., on the first day of every English calendar month at 10.30 am, until further orders.

sd/-
20/04/2022

/ TRUE COPY /

20/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

2 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

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

4 THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-3549[I] dated 20/04/2022)

ORDER

IN

CRL MP(MD) No.3913 of 2022

IN

CRL RC(MD) No.307 of 2022

Date :20/04/2022

RS/VR/SAR.4 (20.04.2022) 3P-8C