



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

Friday, the Twenty Ninth day of April Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.2813 of 2022
IN
CRL RC(MD) No.186 of 2022

MURUGESH PANDIAN

... PETITIONER/REVISION PETITIONER

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 301 OF 2007)

... RESPONDENT/RESPONDENT

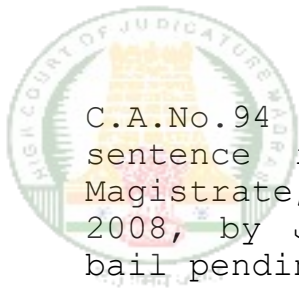
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment by learned Ist Additional District and Sessions Judge, (Full incharge) IV Additional District and Session Judge, Tirunelveli in C.A.No. 94 of 2017 judgment dated. 09.10.2020, confirming the conviction and sentence imposed by the Learned District Cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District in C.C.No. 67/2008 by the Judgment dated 20/11/2017 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD) . 186/ 2022 :

To call for the records on the file of the learned Ist Additional District and Sessions Judge, (Full incharge) IV Additional District and Session Judge, Tirunelveli in C.A.No. 94 of 2017 judgment dated. 09.10.2020, confirming the conviction and sentence imposed by the Learned District Cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District in C.C.No. 67/2008 by the Judgment dated 20/11/2017 and set-aside the judgments of the Courts below and acquit the petitioner.

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.S.SATHYACHIDAMBARAM, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence of imprisonment by the learned I-Additional District and Sessions Judge (Full in-charge) IV Additional District and Sessions Judge, Tirunelveli in



C.A.No.94 of 2017, dated 09.10.2020, confirming the conviction and sentence imposed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District in C.C.No.67 of 2008, by Judgment dated 20.11.2017 and enlarge the petitioner on bail pending disposal of the Criminal Revision.

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2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the offence punishable under Section 420 of I.P.C and sentenced to undergo Rigorous Imprisonment for a period of two years and to pay the fine amount of Rs.10,000/-, in default to undergo two months simple imprisonment.

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.94 of 2017 on the file of the learned I-Additional District and Sessions Judge (Full in-charge) IV Additional District and Sessions Judge, Tirunelveli. The Appellate Court confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the revision petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relatives, each for a like sum to the satisfaction of the



learned District Munsif cum Judicial Magistrate,
Cheranmahadevi, Tirunelveli District.

(iii) 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

(iv) The petitioner shall appear before the trial Court daily at 10.30 a.m., for a period of four weeks and thereafter appear before the trial Court once in a month till the disposal of the Criminal Revision Case and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

29/04/2022

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

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FULL INCHARGE) IV ADDITIONAL DISTRICT
AND SESSION JUDGE, TIRUNELVELI
- 2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT
- 5 THE SUPERINTENDENT,
CENTRAL PRSION, PALAYAMKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.2813 of 2022

IN

CRL RC(MD) No.186 of 2022

Date : 29/04/2022

ps

<https://hccs.csls.gov.in/SdR-in/4c5016es05.2022/3P/7C>