



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

Wednesday, the Sixteenth day of February Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.2201 of 2022
IN
CRL RC(MD) No.124 of 2022

1 SAKTHIVEL
2 MANICKAMMAL

... PETITIONERS/ REVISION PETITIONERS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
(IN CRIME NO.3/2019)

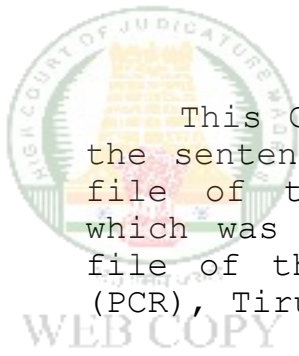
... RESPONDENT/ RESPONDENT

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 3 years rigorous imprisonment imposed upon the 1st Petitioner and the sentence of 1year rigorous imprisonment imposed upon the 2nd Petitioner in Crl.A.29/2020 dt.4/9/2021 by Learned I Additional District and Sessions Judge (PCR),Trichy by confirming the sentence imposed by the Learned Chief Judicial Magistrate, Trichy in S.C.No.107 of 2019 dated 29.01.2020 pending disposal of the Criminal Revision.

Prayer in CRL RC(MD). 124/ 2022 :

To call for the records relating to the judgment dated 4/9/2021 in CA No.29/2020 on the file of the Learned First Additional District and Sessions Judge(PCR),Trichy thereby confirming the judgement of the Learned Chief Judicial Magistrate, Trichy dated 29/1/2020 in S.C.No.107 of 2019 and convicted and sentenced the 1st accused to undergo 3 years rigorous imprisonment and Rs.1000/- fine for each offence under sections 326 and 506(ii) of the Indian Penal Code in default of the amount and to undergo 3 years simple imprisonment and sentenced the 2nd accused to undergo one years rigorous imprisonment and Rs.1000/- fine for offence under section 324 of the Indian Penal Code in default of the amount to undergo 3 months simple imprisonment and set aside the same and acquit the petitioners/accused.

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.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of MRS.ASHA, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



This Criminal Miscellaneous petition has been filed to suspend the sentence passed in S.C.No.107 of 2019, dated 29.01.2020 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli, which was confirmed in C.A.No.29 of 2020, dated 04.09.2021 on the file of the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli, pending disposal of the Criminal Revision.

2. The learned counsel appearing for the petitioners submitted that the first petitioner has been convicted by the Trial Court for the alleged offences punishable under Sections 326 and 506(ii) I.P.C and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-, each, in default, to undergo simple imprisonment for three months. Further, the second petitioner has been convicted by the trial Court for the alleged offence punishable under Section 324 I.P.C and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default, to undergo simple imprisonment for three months.

3. Challenging the above said conviction and sentence, the petitioners have filed an appeal in CrI.A.No.29 of 2020 before the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli. The learned First Additional District and Sessions Judge (PCR), Tiruchirappalli confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioners have 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 petitioners 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. Mrs.M.Aasha, learned Government Advocate(Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioners and hence, she 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 petitioners pointed out 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 petitioners herein are entitled to the

<https://hccs.courts.gov.in/hccs/cases> of suspension of sentence.



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

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Tiruchirappalli.

(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 petitioners shall appear before the trial Court daily at 10.30 a.m until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

sd/-
16/02/2022

/ TRUE COPY /

/ /2022

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

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), TRICHY.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE,
SUB JAIL, THURAIYUR.
- 2 THE OFFICER INCHARGE,
GANDHI MARKET WOMEN'S PRISON,
TRICHY.

ORDER IN
CRL MP(MD) No.2201 of 2022
IN
CRL RC(MD) No.124 of 2022
Date :16/02/2022