



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

Thursday, the Twenty Fourth day of February Two Thousand and
Twenty Two
PRESENT

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

CRL MP(MD) No.2481 of 2022

AND

CRL RC(MD)No.147 of 2022

S.RADHAKRISHNAN

... PETITIONER/APPELLANT/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUKKATTUPPALLI POLICE STATION,
THANJAVUR DISTRICT.

... RESPONDENT/RESPONDENT/COMPLAINANT

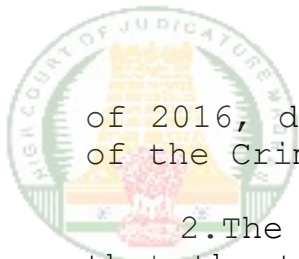
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner/appellant/accused namely S.Radhakrishnan by the learned 1st Additional District and Sessions Judge (PCR) Thanjavur in C.A.No.15 of 2021 dated. 29.12.2021 by confirming the order of conviction sentence passed by the Learned Judicial Magistrate Court, Thiruvaiyaru in CC.No.70 of 2016 dated 21.01.2021.

Prayer in CRL RC(MD) . 147/ 2022 :

To call for the records pertaining to the judgement of conviction passed by the learned 1st Additional District and Sessions Judge (PCR) Thanjavur in C.A.No. 15 of 2021 dated. 29.12.2021 by confirming the order of conviction sentence passed by the Learned Judicial Magistrate Court, Thiruvaiyaru in CC.No.70 of 2016 dated 21.01.2021 and set aside the same as illegal.

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.PUNITHAN.T.A., Advocate for the petitioner and of M/s.K.SANJAY GANDHI, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in C.A.No.15 of 2021, dated 29.12.2021, on the file of the learned I-Additional District and Sessions Judge (P.C.R), Thanjavur, confirming the order of conviction and sentence passed in C.C.No.70



of 2016, dated 21.01.2021 and enlarge him on bail, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the accused in C.C.No.70 of 2016 for the alleged offence under Section 325 of I.P.C and sentenced him to undergo rigorous imprisonment for one year. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.15 of 2021 on the file of the learned I-Additional District and Sessions Judge (P.C.R), Thanjavur. The on the file of the learned I-Additional District and Sessions Judge (P.C.R), Thanjavur, 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.

3. The learned counsel appearing for the 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.

4. The learned Government Advocate (Criminal Side) 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.

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

6. 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.

7.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 sureties each for a like sum to the satisfaction of the learned I-Additional District and Sessions Judge (P.C.R), Thanjavur.

(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

<https://hcservices.ecourt.gov.in/hcservices/> their identity; and



(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

sd/-
24/02/2022

WEB COPY

/ TRUE COPY /

28/02/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR)
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE
THIRUVAIYARU.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
THIRUKKATTUPPALLI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.2481 of 2022
AND
CRL RC (MD) No.147 of 2022
Date : 24/02/2022

SA/VR/SAR.2/28.02.2022/3P/6C