



WEB COPY

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

Thursday, the Seventeenth day of March Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

Crl.M.P(MD)No.1789 of 2022
in
Crl.A(MD)No.28 of 2022

SURESH @ MARI SURESH

... APPELLANT / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 255 OF 2015

... 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 and conviction imposed by the learned III Additional Sessions Court, Tirunelveli in S.C. No. 655 of 2016 dated 23.12.2021 and enlarge the petitioner/accused no. 2 on bail pending disposal of the above said Crl.A.

Prayer in Crl.A(MD)No.28 of 2022:

To call for the records and set aside the sentence and conviction imposed by the Learned III Additional Sessions Court, Tirunelveli in S.C.No.655 of 2016 dated 23.12.2021.

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.R.KARUNANIDHI, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of sentence namely, incarceration for a period of one year imposed upon him for the offence under Section 324 I.P.C., vide judgment, dated 23.12.2021 in S.C.No.655 of 2016 on the file of the III Additional District and Sessions Court, Tirunelveli.

2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for the State.



3.The Trial Court has suspended the sentence. In as much as the proved charges against the petitioner is only under Section 324 of IPC.

4.The learned Additional Public Prosecutor would submit that the approval has been granted for filing an appeal against the acquittal and they would be filing the appeal shortly.

5. Be that as it may, since the only proved offence as of today is under Section 324 of IPC. We are of the opinion that the sentence should be suspended. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli.

ii. The petitioner shall appear before the III Additional District and Sessions Court, Tirunelveli, on the first and third Monday of every English Calendar month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-

17/03/2022

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

TO

1 THE JUDGE,
III ADDITIONAL DISTRICT AND SESSIONS COURT, TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
V.K. PURAM POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. C.C. to MR.KARUNANIDHI, Advocate SR.No.2133.

ORDER IN

Crl.M.P(MD)No.1789 of 2022
in

Crl.A(MD)No.28 of 2022

Date :17/03/2022