



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

Thursday, the Twenty Fourth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.3422 of 2022
in
Crl.RC(MD) .No.959 of 2021

K.ALAGURAJA

... PETITIONER/PETITIONER/APPELLANT/
ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STAION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 40 OF 2012).

... RESPONDENT/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 by the learned Judicial Magistrate, Aruppukottai in C.C.No. 315 of 2012, Dated 05.09.2014 which is confirmed by the Hon'ble Additional District and Sessions Court in Crl.A.41 of 2015 by the judgmned Dated 05.10.2021.

PRAYER IN Crl.RC(MD) .No.959 of 2021 :

Pleased to call for the entire records relating to the Judgment in Crl.A.No.41 of 2015 dated 05.10.2021 passed by the Honorable Additional District and Sessions Court, Virudhunagar, confirming the judgment in CC.No.315 of 2012 dated 05.09.2014 passed by the Learned Judicial Magistrate, Aruppukottai and set side the same.

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

This Criminal Miscellaneous petition has been filed to suspend the sentence passed in C.C.No.315 of 2012, dated 05.09.2014 on the file of the learned Judicial Magistrate, Aruppukottai, which was confirmed in Crl.A.No.41 of 2015, dated 05.10.2021 on the file of the learned Additional District and Sessions Court, Virudhunagar, pending disposal of the Criminal Revision Case.



2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the Trial Court for the alleged offence punishable under Section 304(A) (2 counts) I.P.C and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of three months.

3. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the Criminal Appeal before Additional District and Sessions Court, Virudhunagar, and the same was dismissed. Aggrieved by the same, this Criminal Revision Case has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. 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.

5. Mrs.M.Aasha, learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are enough materials available on record against the appellant 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 petitioner 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 case and further the criminal revision case 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 appellant 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 Judicial Magistrate, Aruppukottai.

(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 appellant shall appear before the respondent daily at 10.30 a.m for a period of four weeks and thereafter appear before the respondent once in 15 days till the disposal of this criminal revision case."

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sd/-
24/03/2022

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.
2. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
4. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-2434[I] dated 24/03/2022)

ORDER IN
CRL MP(MD) No.3422 of 2022
in
Crl.RC(MD).No.959 of 2021
Date :24/03/2022

ias
USK/VR/SAR-IV/25.03.2022/3P/7C