



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

Monday, the Fourteenth day of March Two Thousand and Twenty Two  
PRESENT

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

CRL MP(MD) No.2788 of 2022  
IN  
CRL RC(MD)No.183 of 2022

GUNASEKARAN

... PETITIONER/APPELLANT

**Vs**

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
ARUPPUKOTTAI TALUK POLICE STATION,  
VIRUDHUNAGAR DISTRICT  
(CRIME NO. 373 OF 2011)

... RESPONDENT/RESPONDENT

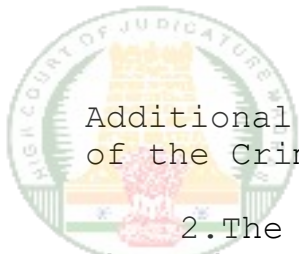
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner vide order made in Crl.A.No. 8 of 2017 on the file of the learned Additional District Sessions Judge, Virudhunagar confirming the conviction and sentence imposed by the learned Judicial Magistrate, Aruppukottai in C.C.No.244 of 2011, dated 18.10.2012 till the disposal of above Criminal Revision Petition.

**Prayer in CRL RC(MD) . 183/ 2022 :**

To call for the records to the order dated. 24.08.2021 made in Crl.A. No. 8 of 2017 on the file of the learned Additional District Sessions Judge, Virudhunagar confirming the conviction and sentence imposed by the learned Judicial Magistrate, Aruppukottai in C.C.No.244 of 2011, dated 18.10.2012 whereby the petitioner has been convicted for offences Under Section 304 (A) of IPC and sentenced him to undergo 2 years Rigorous Imprisonment with fine of Rs.1,000/- and in default to undergo 6 months Simple Imprisonment and set aside the same by allowing the above Revision Petition.

**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.LAWRANCE.J., Advocate for the petitioner and of Mr.K.SANJAY GANDHI, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.244 of 2011, dated 18.10.2012, on the file of the learned Judicial Magistrate, Aruppukottai and the same was confirmed in Crl.A.No.8 of 2017, dated 24.08.2021, on the file of the learned



Additional District Sessions Judge, Virudhunagar, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offences punishable under Section 304(A) IPC and sentenced to undergo Rigorous Imprisonment for a period of two years and to pay a fine of Rs.1,000/- (Rupees One Thousand only).

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.8 of 2017, before the learned Additional District Sessions Judge, Virudhunagar. The learned Additional District Sessions Judge, Virudhunagar, 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. He would further submit that the petitioner is surrendered before the trial Court.

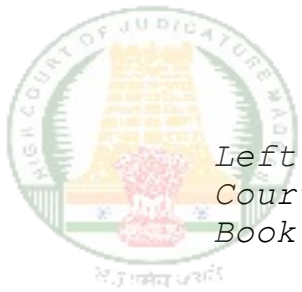
5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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 sureties, of whom, one should be a blood relative, 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

(iv) The petitioner shall appear before the trial Court once in fifteen days I.e., on 1<sup>st</sup> and 15<sup>th</sup> day of every month at 10.30 a.m until further orders 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/-

14/03/2022

/ TRUE COPY /

15/03/2022

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 ADDITIONAL DISTRICT 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. C.C. to M/S.LAWRANCE.J. Advocate SR.No.2025

**ORDER IN**

CRL MP(MD) No.2788 of 2022

IN

CRL RC(MD) No.183 of 2022

Date :14/03/2022

SA/VR/SAR.1/15.03.2022/3P/7C