



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

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

Crl.M.P(MD)No.2876 of 2022

in

Crl.R.C(MD)No.191 of 2022

MURUGAN

... PETITIONER/ PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MALLANGINAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.24 OF 2010

... 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 Imprisonment imposed by learned Additional District and Sessions Court, Virudhunagar District in Crl.A.No. 59 of 2016 by the Judgment dated 17/11/2021, by confirming the conviction and sentence imposed by the Learned Judicial Magistrate Court No.I, Virudhunagar in C.C.No.42 of 2011 by the Judgment dated 04.07.2016, and enlarged the petitioner on bail pending disposal of this Criminal Revision.

Prayer in CRL RC(MD). 191/ 2022 :

To call for records and set aside the conviction imposed by the learned Additional District and Sessions Court, Virudhunagar District in Cr.A.No. 59 of 2016 by the Judgment dated 17/11/2021 by confirming the conviction and sentence imposed by the Learned Judicial Magistrate Court No.I, Virudhunagar in C.C.No.42 of 2011 by the Judgment dated 04.07.2016.

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.PON KARTHIKEYAN, Advocate for the petitioner and of MR.K.SANJAI 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.59 of 2016, dated 17.11.2021, on the file of the learned Additional District and Sessions Judge, Virudhunagar District,



confirming the order of conviction and sentence passed in C.C.No.42 of 2011, dated 04.07.2016, on the file of the learned Judicial Magistrate No.1, Virudhunagar 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.42 of 2011 for the offence under Section 304(A) of I.P.C and sentenced him to undergo rigorous imprisonment for one year and for the offence under Section 134(a)(b) r/w 187 M.V Act imposed a fine of Rs.500/- with default clause to undergo two weeks simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.59 of 2016 on the file of the learned Additional District and Sessions Judge, Virudhunagar District. The learned Additional District and Sessions Judge, Virudhunagar District, 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 blood sureties each for a like sum to the satisfaction of the learned Additional District

<https://hcservices.ecourts.gov.in/hcservices> Sessions Judge, Virudhunagar District



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

sd/-

17/03/2022

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/ /2022

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.

3 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE
MALLANGINAR POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to Mr.R.PON KARTHIKEYAN, Advocate (SR-2172[I]dated 18/03/2022)

ORDER

IN

Crl.M.P (MD)No.2876 of 2022
in

Crl.R.C (MD)No.191 of 2022

Date :17/03/2022

ps

MK/VR/SAR.II/21.03.2022/3P/7C