



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

Monday, the Twenty First 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.3426 of 2022
in
CRL.R.C. (MD)No.255 of 2022

N.PARAMASIVAM

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 482 OF 2010).

... 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 against the petitioner in C.A No. 17 of 2019 by the Additional District and Sessions Judge, Sivagangai in C.C No. 355 of 2010 on the file of the Learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

PRAYER IN CRL.R.C. (MD)No.255 of 2022 :

Pleased call for the records and set-aside the judgment in C.A.No.17 of 2019 on the file of the Additional District and Sessions Judge, Sivagangai dated 03.02.2022 in C.C.No.355 of 2010 on the file of the Learned Principal District Munsif cum Judicial Magistrate, Karaikudi dated 05.03.2019 and acquit the Petitioner/Appellant/Accused from the charges leveled against him.

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. AJU TAGORE. P, 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 petition is filed to suspend the sentence passed in C.C.No.355 of 2010, on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi and the same was confirmed in CrI.A.No.17 of 2019, dated 03.02.2022, on the file of the learned Additional District Sessions Judge, Sivagangai, 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 one year and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only).

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3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.17 of 2019, before the learned Additional District Sessions Judge, Sivagangai. The learned Additional District Sessions Judge, Sivagangai, 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 Principal District Munsif cum Judicial Magistrate, Karaikudi.

(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/-
21/03/2022

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/ TRUE COPY /

22/03/2022

Sub-Assistant Registrar (C.S-III)
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 AND SESSIONS JUDGE,
SIVAGANGAI.
2. THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. AJU TAGORE. P Advocate SR.No.2286.

ORDER IN
CRL MP(MD) No.3426 of 2022
in
CRL.R.C. (MD) No.255 of 2022
Date : 21/03/2022

USK/VR/SAR-III/22.03.2022/3P/7C