



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

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.3598 of 2022
in Cr1.R.C(MD)No.276 of 2022

MURUGESAN

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NADUCAUVERY POLICE STATION,
THANJAVUR.

... RESPONDENT/ RESPONDENT

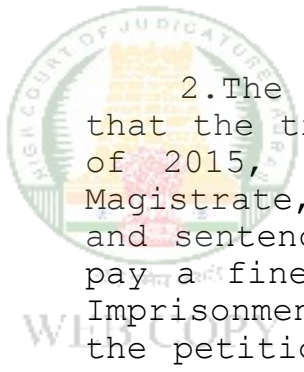
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed in the Judgment by the learned I Additional District and Sessions Judge (PCR), Thanjavur in C.A No. 38 of 2021 by judgment dated 11.01.2022 as confirming the conviction and sentence imposed by the Learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.200 of 2015 vide judgment dated 24.03.2021 pending the disposal of the main criminal revision pending on the file of this Hon'ble Court.

PRAYER IN Cr1.R.C(MD)No.276 of 2022:

To call for the entire records pertaining to the judgment passed by the learned 1st Additional District and Sessions Judge (PCR), Thanjavur in C.A.No.38 of 2021 by judgment dated 11.01.2022 as confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.200 of 2015 vide judgment dated 24.03.2021 and set aside the same and consequently acquit the petitioner from all the charges referred to in the said calender case.

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

This petition has been filed to suspend the sentence passed in Criminal Appeal No.38 of 2021, dated 11.01.2022 on the file of the learned Ist Additional District and Sessions Judge (P.C.R) Thanjavur, confirming the conviction and sentence passed in C.C.No.200 of 2015, dated 24.03.2021 on the file of the learned Judicial Magistrate, Thiruvayaru, till the disposal of this Revision Petition.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/accused in C.C.No.200 of 2015, dated 24.03.2021 on the file of the learned Judicial Magistrate, Thiruvayaru, for the offence under Section 304A of I.P.C and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo one month Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.38 of 2021 on the file of the learned Ist Additional District and Sessions Judge (P.C.R) Thanjavur. The Appellate Court 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 and further submitted that the petitioner is in Central Prison, Tiruchirappalli.

4. 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.

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvayaru.

(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/-
30/03/2022

/ TRUE COPY /

WEB COPY

/ /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 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
THANJAVUR

2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
NADUCAUVERY POLICE STATION, THANJAVUR.

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

+1CC TO Mr.SIVASUBRAMANIAN, Advocate, SR NO.2848

ORDER
IN
CRL MP(MD) No.3598 of 2022
in CrI.R.C(MD)No.276 of 2022
Date :30/03/2022

ps
MS/VR/SAR-2/31.03.2022/3P.6C