



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

Thursday, the Thirty First day of March Two Thousand and Twenty Two

PRESENT

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

Crl.M.P(MD)No.3728 of 2022
in
Crl.R.C(MD)No.282 of 2022

P.GANESAN

... PETITIONER/ REVISION PETITIONER/
APPELLANT / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.270 OF 2009)

... 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 Additional District and Sessions Judge, Virudhunagar in C.A.No. 75 of 2016 dated 01.02.2022 while confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Virudhunagar in C.C.No.310 of 2009 vide his Judgment dated 22.08.2016 pending the disposal of the main criminal revision petition on the file of this Hon`ble Court.

Prayer in CRL RC(MD). 282/ 2022 :

To Call for the entire records pertaining to the judgement rendered by the Additional District and Sessions Judge, Virudhunagar in C.A.No. 75 of 2016 vide his judgment dated 01.02.2022 as well as the judgment delivered by the learned Judicial Magistrate No.II, Virudhunagar in C.C.No.310 of 2009 vide his Judgment dated 22.08.2016 and set aside the same and consequently acquit the petitioner.

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.G.MARIAPPAN, Advocate for the petitioner and of M/S.M.AASHA, 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.75 of 2016, dated 01.02.2022, on the file of the learned Additional District and Sessions Judge, Virudhunagar, confirming the sentence passed in C.C.No.310 of 2009, dated



22.08.2016 on the file of the learned Judicial Magistrate No.II, Virudhunagar, 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.310 of 2009, dated 22.08.2016 on the file of the learned Judicial Magistrate No.II, Virudhunagar, for the offence under Section 341 of I.P.C sentenced him to undergo one month Rigorous Imprisonment, for the offence under Section 324 of I.P.C and sentenced him to undergo six months Rigorous Imprisonment and for the offence under Section 4 of TNPWH Act sentenced him to undergo six months Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo one month Rigorous Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in . A.No.75 of 2016 on the file of the learned Additional District and Sessions Judge, Virudhunagar. 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 District Jail, Virudhunagar.

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



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(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/-

31/03/2022

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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 AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

3 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION, VIRUDHUNAGAR DISTRICT

5 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

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

+1 CC to Mr.G.MARIAPPAN, Advocate (SR-2813[I] dated 01/04/2022)

ORDER IN

Crl.M.P(MD)No.3728 of 2022
in

Crl.R.C(MD)No.282 of 2022

Date :31/03/2022

MK/PN/SAR.III/01.04.2022/3P/8C

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