



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.3613 of 2022
IN
CRL RC(MD)No.839 of 2021

1 KANNADASAN
2 KAMARAJ
3 SUBRAMANIAN

... PETITIONERS/PETITIONERS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VALLAM POLICE STATION,
VALLAM,
THANJAVUR DISTRICT.

... RESPONDENT/RESPONDENT

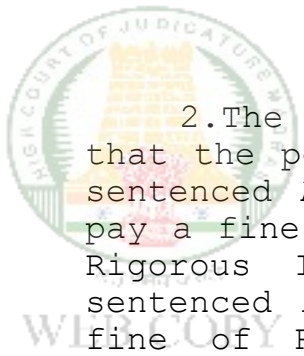
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence in Judgment made in CA.No.75 of 2017 on the file of the 2nd Additional District and Sessions Judge, Thanjavur dated 20.09.2021 dismissed the appeal by confirming the order passed in SC.No.30 of 2013 on the file of the Additional Sessions Judge, Thanjavur, dated 31.10.2017.

PRAYER IN CRL.RC(MD) 3613/2022:

Pleased to call for the records pertaining to the C.A.No.75 of 2017 on the file of the 2nd Additional District and Sessions Judge, Thanjavur, dated 20.09.2021, dismissed the appeal by confirming the order passed in S.C.No.30 of 2013 on the file of the Additional Assistant Sessions Judge, Thanjavur, dated 31.10.2017 and set aside the same and allow this Criminal 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.KARNAN.G, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate(crl.side) on behalf of the Respondent, While admitting the CRL.RC, the court made the following order:-

This petition is filed to suspend the sentence made in S.C. No.30 of 2013 on the file of the Additional Sessions Judge, Thanjavur and confirmed in C.A.No.75 of 2017 on the file of the II Additional District and Sessions Judge, Thanjavur dated 20.09.2021, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioners submitted that the petitioners are accused Nos.1,3 and 4 and the trial Court sentenced A1 to undergo 5 years Rigorous Imprisonment each and to pay a fine of Rs.3,000/-, each and in default to undergo 6 months Rigorous Imprisonment under Section 307 IPC. The trial Court sentenced A3 to undergo 4 years Rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo 5 months Rigorous imprisonment under Section 326 of IPC. The trial Court sentenced A4 to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 3 months Rigorous Imprisonment under Section 324 of IPC.

3.Challenging the above said conviction and sentence, the petitioners and A2 have filed an appeal in C.A. No.75 of 2017 on the file of the learned II Additional District and Sessions Judge, Thanjavur. The learned II Additional District and Sessions Judge, Thanjavur, confirmed the conviction and sentence imposed against the petitioners / accused Nos.1,3 and 4 and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioners have 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 petitioners 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 petitioners are surrendered before the trial Court.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that there are enough materials available on record against the petitioners and hence, she 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 petitioners 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) Each of the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two



sureties, each for a like sum to the satisfaction of the learned Additional Assistant Sessions Judge, Thanjavur

(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 petitioners shall appear before the trial Court daily at 10.30 a.m until further orders and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

sd/-
30/03/2022

/ TRUE COPY /

31/03/2022
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 2ND ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.
- 2 THE ADDITIONAL SESSIONS JUDGE, THANJAVUR.
- 3 THE ADDITIONAL ASSISTANT SESSIONS JUDGE, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
VALLAM POLICE STATION,
VALLAM, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.3613 of 2022
IN
CRL RC(MD) No.839 of 2021
Date : 30/03/2022

SA/VR/SAR.2/31.03.2022/3P/6C