



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

Wednesday, the Sixth day of April Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.4399 of 2022

IN

CRL RC(MD) No.47 of 2022

WEB COPY

M.PONNU DURAI

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.15/2016

... RESPONDENT/RESPONDENT

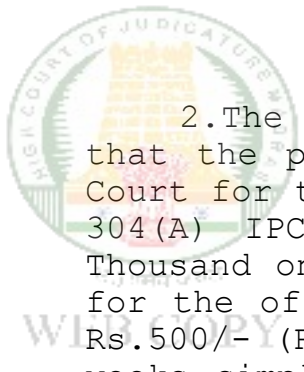
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed by the court of the district and Sessions Judge, Virudhunagar district at Srivilliputtur in Crl.A.No.112 of 2018 on 15.12.2021 in confirming the conviction and sentence imposed by the Chief Judicial magistrate Court, Virudhunagar District at Srivilliputtur in C.C.No.1281/2017 on 31.08.2018 pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 47/ 2022 :

To call for the records and set aside the conviction and sentence imposed by the Court of the Principal District and Session Judge, Virudhunagar District at Srivilliputhur in Crl.A.No.112/2018 on 15/12/2021 in confirming the conviction and sentence imposed by the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur in C.C.No.1281/2017 on 31.08.2018 and allow the 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.JOTHI BASU M, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.A.No.112 of 2018 on 15.12.2021 in confirming the conviction and sentence imposed by the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur in C.C.No.1281 of 2017 on 31.08.2018 pending disposal of the Criminal Revision Petition.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted and sentenced by the trial Court for the alleged offence punishable under Sections 279, 337 and 304(A) IPC and imposed a fine amount of Rs.1,000/- (Rupees One Thousand only), in default, to undergo 2 weeks simple imprisonment for the offence under Section 279 IPC and imposed a fine amount of Rs.500/- (Rupees Five Hundred only) (each), in default, to undergo 2 weeks simple imprisonment for the offence under Section 337 IPC (3 counts) and sentenced to undergo 2 years simple imprisonment with a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo three month simple imprisonment for the offence under Section 304(A) IPC.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.112 of 2018 before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur. The learned appellate Court confirmed the conviction and sentence passed by the trial Court. 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.

4.This Court has carefully considered the contentions put forward by the learned counsel for the petitioner and also perused the materials available on record.

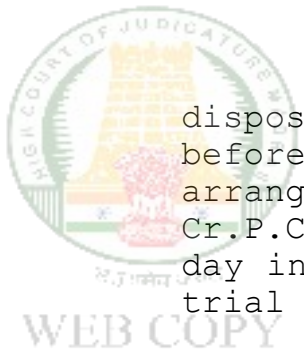
5.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not 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.

6.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 Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur.

(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 for four weeks thereafter once on the first working day of every month at 10.30 a.m till the



disposal of the revision and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

sd/-
06/04/2022

/ TRUE COPY /

07/04/2022

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 DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2992[I] dated 06/04/2022)

ORDER IN
CRL MP(MD) No.4399 of 2022
IN
CRL RC(MD) No.47 of 2022
Date :06/04/2022