



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Eleventh day of April Two Thousand and Twenty Two

WEB COPY

PRESENT

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

CRL MP(MD) No.4596 of 2022

IN

CRL RC(MD) No.360 of 2022

KANNAN @ ANTHONYSAMY

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.115/2015)

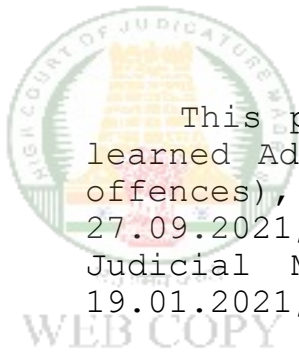
... RESPONDENT/RESPONDENTS

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 of imprisonment imposed by the Learned Additional District and Session Judge, Special Court for EC Offences, Thanjavur in Crl.A.No.19/2021 by the judgment dated 27.09.2021 confirming the judgment of conviction by Learned Judicial Magistrate, Thiruvaiyaru in C.C.No.127 of 2015 by dated 19.01.2021, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD) . 360/ 2022 :

To call for the records of the Learned Additional District and Session Judge, Special Court for Ec Offences, Thanjavur in Crl.A.No.19/2021 by judgment dated 27.09.2021 confirming and modifying the conviction and sentence of imposed by the Learned Judicial Magistrate, Thiruvaiyaru in C.C.No.127 of 2015 by the Judgment dated 19.01.2021 and set aside the Judgments of the Court below and 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 M/S.KARUNANITHI 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 learned Additional District and Session Judge(Special Court for EC offences), Thanjavur in Crl.A.No.19 of 2021 by judgment, dated 27.09.2021, confirming the judgment of conviction by the learned Judicial Magistrate, Thiruvaiyaru in C.C.No.127 of 2015, dated 19.01.2021, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted and sentenced by the trial Court to undergo one month rigorous imprisonment for the offence under section 294(b) IPC, to undergo 3 months rigorous imprisonment for the offence under Section 323 IPC, to undergo 3 months rigorous imprisonment for the offence under Section 355 IPC and one year rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo one month simple imprisonment for the offence under Section 4 of TNPWH Act.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.19 of 2021 before the learned learned Additional District and Sessions Judge (Special Court for EC offences), Thanjavur. The learned lower appellate Court had 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.

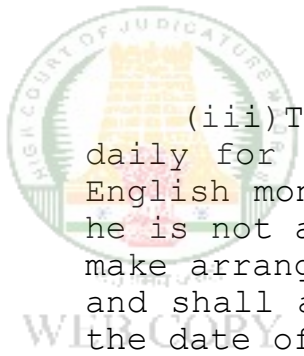
4.This Court has carefully considered the contentions put forward by the learned counsel for the petitioner and also perused the materials available on record.

5.The learned counsel appearing for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in the 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 Judicial Magistrate, Thiruvaiyaru.

(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 in the first working day of every English 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/-

11/04/2022

/ TRUE COPY /

11/04/2022

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 ADDITIONAL DISTRICT AND SESSION JUDGE,
SPECIAL COURT FOR EC OFFENCES, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE
THIRUVAIYARU.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.M.KARUNANITHI, Advocate (SR-3248 dated 12.04.2022)

ORDER IN
CRL MP(MD) No.4596 of 2022
IN CRL RC(MD) No.360 of 2022
Date : 11/04/2022