



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.4467 of 2022

in
CRL RC(MD) No.142 of 2022

ILAYARAJA

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR.
CRIME NO.450 OF 2012.

... 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 in Crl.A.No.29 of 2019 on the file of the II Additional District and Sessions Court, Thanjavur Dated 19.03.2021 modifying the Judgment and reducing the sentence passed in CC.No.19 of 2013 by the Judicial Magistrate-II, Thanjavur dated 29.01.2019.

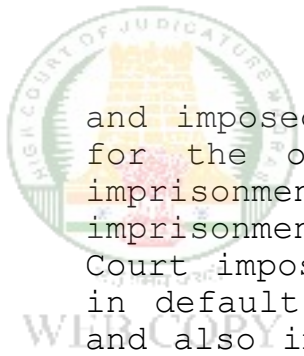
Prayer in CRL RC(MD) . 142/ 2022 :

To call for the records and set aside the judgment and sentence passed in C.A.No.29 of 2019 on the file of the 2nd Additional District and Sessions Judge, Thanjavur, Dated 19.03.2021 modifying the judgment and reducing the Sentence passed in C.C.No.19 of 2013 on the file of the Judicial Magistrate No.II, Thanjavur dated 29.01.2019 and allow this revision 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 M/S.TAMILMANI N, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate 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 passed in Crl.A.No.29 of 2019 on the file of the II Additional District and Sessions Court, Thanjavur, dated 19.03.2021 modifying the judgment and reducing the sentence passed in C.C.No.19 of 2013 by the learned Judicial Magistrate No.II, Thanjavur, dated 29.01.2019 till the disposal of the revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence punishable under Sections 279, 337 and 304(A) IPC



and imposed a fine amount of Rs.1000/- (Rupees One Thousand only) for the offences under Section 279 I.P.C and 3 months simple imprisonment, in default of payment of fine, 1 week simple imprisonment. For the offence under Section 337 IPC, the trial Court imposed a fine amount of Rs.500/- (Rupees Five Hundred only) in default of payment of fine amount, 1 month simple imprisonment and also imposed 3 months simple imprisonment. Further, the trial Court imposed a fine amount of Rs.1000/- (Rupees One Thousand only) for the offence under Section 304(A) in default of payment of fine amount 1 week simple imprisonment and also imposed 1 year simple imprisonment. The trial Court has directed the petitioner to undergo the above sentence concurrently.

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.29 of 2019 before the learned II Additional District and Sessions Court, Thanjavur. The learned appellate Court reduced the sentence to 3 months and confirmed the other findings of 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.

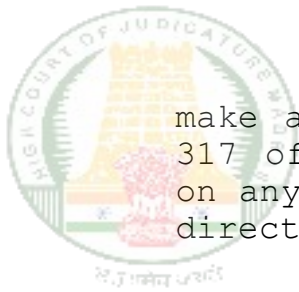
5. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not 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 Judicial Magistrate No.II, 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

(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 appeal 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

WEB COPY

/ TRUE COPY /

06/04/2022

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 JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
- 4 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-3021[I] dated 06/04/2022)
ORDER IN
CRL MP(MD) No.4467 of 2022
in
CRL RC(MD) No.142 of 2022
Date :06/04/2022

PKP/JM/SAR-2/07.04.2022/3P/8C