



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

Tuesday, the Twenty Sixth day of April Two Thousand and Twenty Two

PRESENT

WEB COPY

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

CRL MP(MD) No.5060 of 2022
IN
CRL RC(MD)No.392 of 2022

1 VEILAN

2 ARUMUGAM

3 SELVAM

4 SANTHOSH

5 MURUGESAN

6 AMMASI

... PETITIONERS/PETITIONERS

Vs

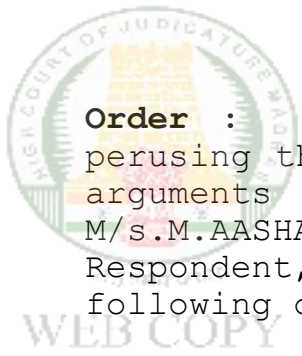
THE STATE REP BY,
THE INSPECTOR OF POLICE
NATCHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.86/2015.

... 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 upon the petitioners passed by the Learned Chief Judicial Magistrate and Assistant Sessions Court, Sivagangai in SC No.79 of 2017 dated 12/04/2019 confirmed by the judgement passed by the Learned Principal District Court, Sivagangai in C.A.No.34 of 2019 dated 01.04.2022 pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 392/ 2022 :

To call for the records of the Learned Principal District Court, Sivagangai in Crl.A.No.34/2019 dtated 01/04/2022 confirming the conviction on the petitioners by the Learned Chief Judicial Magistrate cum Assistant Sessions Court, Sivagangai in SC No.79/2017 dated 12.04.2019 and set aside the same by allowing this 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.RAMU.K, Advocate for the petitioners 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:-

The petitioners are the accused persons in S.C.No.79 of 2017 on the file of the learned Chief Judicial Magistrate and Assistant Sessions Court, Sivagangai. By judgment dated 12.04.2019, A1 and A2 had been convicted under Section 148 IPC and sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.250/-(each), in default, to undergo simple imprisonment for three months (each). For the offence under Section 307 IPC, A1 and A2 had been convicted and sentenced to undergo Rigorous Imprisonment for seven years(each) and to pay a fine of Rs.1,000/-(each), in default, to undergo simple imprisonment for six months(each). Further, A3 to A6 had been convicted under Section 148 IPC and sentence to under go one year Rigorous Imprisonment(each) and to pay a fine of Rs.250/-(each), in default, to undergo three months simple imprisonment (each). For the offence under Section 307 r/w 149 IPC, they were convicted to undergo seven years Rigorous Imprisonment(each) and to pay a fine of Rs.1,000/-(each), in default, to undergo six months simple imprisonment(each). Challenging the same, they had filed an appeal in C.A.No.34 of 2019 and the same was dismissed by the learned Principal District Court, Sivagangai, by judgment dated 01.04.2022. Challenging the same, the petitioners are before this Court with Crl.R.C.(MD) No.392 of 2022. Pending disposal of the same, the petitioners have come forward with this petition seeking suspension of sentence of imprisonment.

2.I have heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police and also perused the records carefully.

3.It is submitted by the learned counsel for the petitioners that the petitioners would not abscond. It is further submitted that there are arguable points in their favour. The petitioners had paid the fine amount. It is not possible for taking up the revision for final hearing in the near future, going by the pendency of the cases in this Bench.

4.The learned Government Advocate (Crl. Side) submitted that the petitioners have surrendered on 25.04.2022.

5.In view of all the above, I am inclined to suspend the sentence of imprisonment pending disposal of the revision. Accordingly, this petition is allowed and the sentence of imprisonment imposed on the petitioners alone is suspended and the petitioners are directed to be enlarged on bail, on the following conditions:



The petitioners 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 and Assistant Sessions Court, Sivagangai, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks. Thereafter, appear once in a month, till the disposal of the criminal revision petition.

sd/-
26/04/2022

/ TRUE COPY /

27/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE CUM
ASSISTANT SESSIONS JUDGE,
SIVAGANGAI.
- 2 THE PRINCIPAL DISTRICT JUDGE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
NATCHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.RAMU.K., Advocate SR.No.3825

ORDER

IN

CRL MP(MD) No.5060 of 2022
IN
CRL RC(MD)No.392 of 2022
Date :26/04/2022

SA/JM/SAR.1/27.04.2022/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>