



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

Thursday, the Nineteenth day of May Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.5811 of 2022

IN

CRL RC(MD) No.438 of 2022

1 SHANMUGAVEL NADAR
2 PARVATHY
3 MARIRAJ

... PETITIONERS/PETITIONERS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.
(CR.NO.316/2006)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Pass an order to suspend the sentence imposed by the Learned Additional District and Sessions Judge (FTC), Tenkasi C.A.No.67 of 2016 dated 12.04.2022 confirming the Judgment passed in C.C.No.178 of 2007 dated 05.10.2016 on the file of the Judicial Magistrate, Tenkasi as against the petitioners pending disposal of the criminal revision petition.

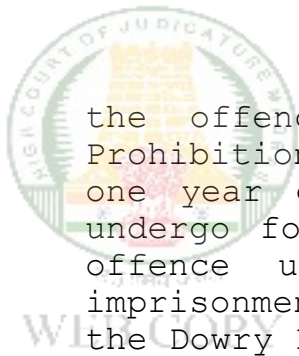
Prayer in CRL RC(MD) . 438/ 2022 :

To pass an order to call for the records and set aside the Judgment passed in C.A.No.67 of 2016 dated 12.04.2022 on the file of Additional District and Sessions Judge(FTC), Tenkasi confirming the judgement passed in C.C.No.178 of 2007 dated 05.10.2016 on the file of the Judicial Magistrate, Tenkasi 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.S.SIVAKUMAR, 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 has been filed to suspend the sentence passed in Crl.A.No.67 of 2016, dated 12.04.2022, on the file of the learned Additional District and Sessions Judge (FTC), Tenkasi, confirming the order of conviction passed in C.C.No.178 of 2007, dated 05.10.2016 on the file of the learned Judicial Magistrate, Tenkasi.

2.The learned counsel appearing for the petitioners submitted that the trial Court convicted the accused in C.C.No.178 of 2007 for



the offences under Sections 498(A) of I.P.C and 4 of Dowry Prohibition Act and to undergo simple imprisonment for a period of one year each and to pay a sum of Rs.500/- each in default to undergo for simple imprisonment for a period of one week for the offence under Section 498(A) of I.P.C and 6 months simple imprisonment for one week each for the offence under Section 4 of the Dowry Prohibition Act. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in Crl.A.No.67 of 2016 on the file of the learned Additional District and Sessions Judge (FTC), Tenkasi. The learned Additional District and Sessions Judge (FTC), Tenkasi, confirmed the conviction and sentence 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.

3.The learned counsel appearing for the 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.

4.Heard Ms.M.Aasha, learned Government Advocate (Criminal Side) for the respondent.

5.On an over-all analysis of the evidence, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

6.Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioners are suspended, subject to the following conditions:

i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi.

ii. The petitioners shall appear before the learned Additional District and Sessions Judge (FTC), Tenkasi, once in a month on the first working day of the every English Calendar month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-
19/05/2022

/ TRUE COPY /

20/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
TENKASI.

2 THE JUDICIAL MAGISTRATE,
TENKASI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SIVA KUMAR, Advocate (SR-4895[I] dated 20/05/2022)

ORDER

IN

CRL MP(MD) No.5811 of 2022

IN

CRL RC(MD) No.438 of 2022

Date :19/05/2022

RS/SVR/SAR.2 (20.05.2022) 3P-7C