



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.5834 of 2022  
IN  
CRL RC.(MD)No.441 of 2022

1 SATHASIVAM  
2 LAKSHMANAN

... APPELLANT/APPELLANT/  
ACCUSED Nos.1 & 2

**Vs**

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
KEEZHATHUVAL POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
IN CRIME NO. 84/2008

... 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 learned Principal District and Sessions court, Ramanathapuram in Crl A No. 13/2021 by the Judgment dated 18.11.2021, partly allowed and modifying the judgment of conviction by the learned Assistant Sessions Judge, Muthukulathur in S.C.No.66/2015 by dated 17.04.2021, pending disposal of the Criminal Revision Petition.

**PRAYER IN CRL RC(MD)No.441 of 2022:**

Pleased to call for the records and set aside the order passed by the learned Principal District and Sessions Court, Ramanathapuram in C.A.No.13/2021 dated 18.11.2021 partly allowed and modifying the order of conviction in S.C.No.66/2015 dated 17.04.2021 passed by the Learned Assistant Sessions Judge, Muthukulathur 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. SUBASH BABU M, Advocate for the petitioner 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:-

This petition has been filed to suspend the sentence passed in C.A.No.13 of 2021, dated 18.11.2021, on the file of the learned Principal District and Sessions Judge, Ramanathapuram, modifying the



order of conviction passed in S.C.No.66 of 2015, dated 17.04.2021 on the file of the learned Assistant Sessions Judge, Muthukulathur.

2.The case of the prosecution is that due to previous enmity, the first petitioner attacked P.W.4 with aruval and caused injury on his left hand and the second petitioner conspired with the other accused persons and induced the accused persons to kill P.W.4. The trial Court convicted the first petitioner and imposed sentence to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for one month for the offence under Section 148 of I.P.C and sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months for the offence under Section 324 of I.P.C and sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months for the offence under Section 324 of I.P.C r/w 149 of I.P.C. Further, the trial Court convicted the second petitioner and sentenced him to undergo rigorous imprisonment for the period of one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for one month for the offence under Section 148 of I.P.C and sentenced to undergo rigorous imprisonment for two years twice and to pay a fine of Rs.5,000/- twice, in default to undergo simple imprisonment for three months twice for the offence under Section 324 r/w 149 of I.P.C. Aggrieved by the same, the petitioners have preferred an appeal before the learned Principal District and Sessions Judge, Ramanathapuram, in which, the appeal was partly allowed by confirming the sentence imposed under Sections 148 and 324 r/w 149 of I.P.C and acquitted for the offence under Section 324 of I.P.C. Aggrieved over the same, 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 petitioner 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 is suspended, subject to the following conditions:

i. The petitioners are directed to be enlarged

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

ii. The petitioners shall appear before the learned Assistant Sessions Judge, Mudhukulathur 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 PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM.
  - 2 THE ASSISTANT SESSIONS JUDGE, MUDHUKULATHUR.
  - 3 THE JUDICIAL MAGISTRATE, MUDHUKULATHUR.
  - 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
  - 5 THE INSPECTOR OF POLICE  
KEEZHATHUVAL POLICE STATION,  
RAMANATHAPURAM DISTRICT.
  - 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. C.C. to M/S. SUBASH BABU.M Advocate SR.No.4912

**ORDER**

**IN**

CRL MP(MD) No.5834 of 2022  
IN  
CRL RC.(MD)No.441 of 2022  
Date :19/05/2022

SA/SVR/SAR.2/20.05.2022/3P/8C