



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.5838 of 2022
IN
CRL RC(MD) No.443 of 2022

1 SIVAKUMAR @ PATHINETTU
2 SOMU
3 SAKTHIVEL
4 AYYANAR

... PETITIONERS/APPELLANT
/ACCUSED NO.2,3,4 & 6

Vs

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

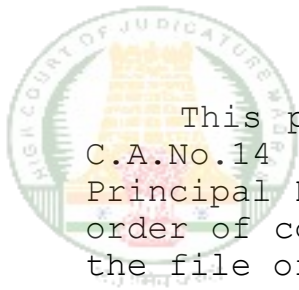
... RESPONDENT/RESPONDENT

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.14 of 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.95/2014 by dated 17.04.2021, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD) . 443/ 2022 :

To call for the records and set aside the order passed by the Learned Principal District and Sessions court, Ramanathapuram in C.A No.14/2021 dated 18.11.2021 partly allowed and modifying the order of conviction in S.C No. 95/2014 dt.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.M.SUBASH BABU, 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 C.A.No.14 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.95 of 2014, dated 17.04.2021 on the file of the learned Assistant Sessions Judge, Muthukulathur.

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2.The Appellate Court modified the sentence imposed by the trial Court as against the accused Nos.2, 3, 4 and 6 for the offences under Section 148, 324 r/w 149 of I.P.C and 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 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, 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,
MUTHUKULATHUR.

3 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

5 THE INSPECTOR OF POLICE
KEEZHATHUVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-4915[I] dated 20/05/2022)

ORDER

IN

CRL MP(MD) No.5838 of 2022

IN

CRL RC(MD) No.443 of 2022

Date :19/05/2022

RS/SVR/SAR.2 (20.05.2022) 3P-8C