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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.5836 of 2022
IN
CRL RC(MD) No.442 of 2022

1 JOTHIRAMALINGAM
2 PANDI ... APPELLANTS/PETITIONERS /ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.157/2019) ... RESPONDENT/RESPONDENT /COMPLAINANT

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 petitioner in C.A.No.5/2021 dt 29.10.2021 on the file of Principal District and Sessions Court, Ramanathapuram confirmed by judgement passed in C.C.No.116/2019 dt 07.01.2021 on the file of the Learned Judicial Magistrate, Paramakudi and enlarge the petitioner on bail pending disposal of abve Criminal Revision.

Prayer in CRL RC(MD). 442/ 2022 :
To call for records in C.A.No.5/2021 dt 29.10.2021 on the file of Principal District and Sessions Court, Ramanathapuram confirmed in judgement passed in C.C.No.116/2019 dt 07.01.2021 on the file of the Learned Judicial Magistrate, Paramakudi, set aside the same and allow this Revision.

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.5 of 2021, dated 29.10.2021, on the file of the learned Principal District and Sessions Judge, Ramanathapuram, confirming the order of conviction passed in C.C.No.116 of 2019, dated 07.01.2021 on the file of the learned Judicial Magistrate, Paramakudi.

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2.The learned counsel appearing for the petitioners submitted that the trial Court convicted the accused in C.C.No.116 of 2019 for the offence under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act and sentenced them to undergo three months simple imprisonment and to pay fine of Rs.10,00/- in default to undergo three months simple imprisonment. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in C.A.No.5 of 2021, dated 29.10.2021, on the file of the learned Principal District and Sessions Judge, Ramanathapuram. The learned learned Principal District and Sessions Judge, Ramanathapuram, 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 is 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, Paramakudi.

ii.The petitioners shall appear before the learned Judicial Magistrate, Paramakudi 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

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

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TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.

2 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE
PRAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-4913[I] dated 20/05/2022)

ORDER
IN
CRL MP(MD) No.5836 of 2022
IN
CRL RC(MD) No.442 of 2022
Date :19/05/2022

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

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