



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.5840 of 2022
IN
CRL RC(MD)No.444 of 2022

SUNDAR

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PEW WING KULITHALAI,
KARUR DISTRICT.
(CRIME NO.50/2012).

... RESPONDENT/RESPONDENT

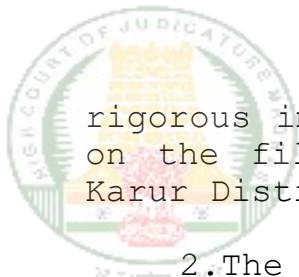
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of Imprisonment imposed in Crl.A.No.43/2020 on the file of the learned Sessions Judge, Karur dated 17/02/2022 by which confirming the judgement and modifying the sentence to Three years Rigorous Imprisonment instead of Five years Rigorous Imprisonment passed in SC No.54/2014 on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District, dated 10.12.2020, pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL.RC. (MD) .No.444/2022:

Pleased to call for records and set aside the judgment and conviction dated 17.02.2022 made in Crl.A.No.43 of 2020 on the file of the learned Sessions Judge, Karur, by which confirming the judgment and modifying the sentence to Three years Rigorous Imprisonment instead of Five years Rigorous Imprisonment passed in S.C.No.54 of 2014 on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District, dated 10.12.2020, and acquit the petitioner/accused.

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.V.S.VIGNESWARAN, 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 Crl.A.No.43 of 2020, dated 17.02.2022 on the file of the learned Sessions Judge, Karur, confirming the Judgment and modifying the sentence to three years rigorous imprisonment instead of five years



rigorous imprisonment passed in S.C.No.54 of 2014, dated 10.12.2020 on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District.

2.The trial Court convicted the accused Nos.1 and 5 for the offence under Sections 4(1)(aaa) and 4(1A) of TNP Act, but the Appellate Court upheld the conviction and modified the sentence alone to three years rigorous imprisonment instead of five years rigorous imprisonment. Aggrieved over the same, the petitioner/A.1 has 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 petitioner is suspended, subject to the following conditions:

i. The petitioner is 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 No.I, Kulithalai, Karur District.

ii. The petitioner shall appear before the learned Assistant Sessions Judge, Kulithalai, Karur District 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 SESSIONS JUDGE
KARUR.

2 THE ASSISTANT SESSIONS JUDGE
KULITHALAI, KARUR DISTRICT.

3 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI, KARUR DISTRICT.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

5 THE INSPECTOR OF POLICE
PEW WING KULITHALAI,
KARUR DISTRICT.

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

+1. C.C. to M/S.GOKULRAJ.S Advocate SR.No.4855

ORDER

IN

CRL MP (MD) No.5840 of 2022
IN

CRL RC (MD) No.444 of 2022

Date :19/05/2022

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