



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.5984 & 5985 of 2022

IN

CRL RC(MD)No.471 OF 2022

SOLAIRAJ

**... PETITIONER/REVISION PETITIONER
IN BOTH CRL MP'S**

Vs

STATE REP BY:

THE INSPECTOR OF POLICE

CCIW CID, VIRUDHUNAGAR DISTRICT

(CRIME NO. 11 OF 2022)

**... RESPONDENT/REVISION RESPONDENT
IN BOTH CRL MP'S**

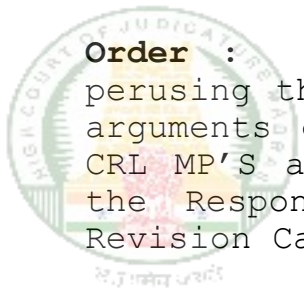
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased toTo Suspend the sentence imposed by the learned Additional District and Sessions Judge, Virudhunagar in C.A.No.21/2015 dated 12.04.2022 while confirming the conviction and sentence imposed by the learned Judicial Magistrate Court -II Virudhunagar in C.C.No.184/2003. Vide his judgment dated 17.08.2015 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble Court.

Prayer in CRL MP(MD) . 5985/ 2022 :

To Exempt the petitioner from surrendering before the trial court in pursuance to the judgment rendered by the learned Additional District and Sessions Judge, Virudhunagar in C.A.No.21/2015 dated 12.04.2022 while confirming the conviction and sentence imposed by the learned Judicial Magistrate Court-II, Virudhunagar in C.C.No.184/2003. Vide his judgment dated 17.08.2015 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble Court.

PRAYER IN CRL RC(MD)No.471 OF 2022:

To Call for the entire records relating to the impugned order in C.A.No.21/2015 on the file of the Additional District and Sessions Judge, Virudhunagar Dated 12.04.2022 confirming the judgement of conviction made in CC.No.184/2013 on the file the Judicial Magistrate No.II, Virudhunagar dated 17.08.2015 and set aside the same and acquit the petitioner from the charges leveled against him.



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.MARIAPPAN G, Advocate for the petitioner in both CRL MP'S and of M/S.M.AASHA, GOVT ADVOCATE CRL SIDE, on behalf of the Respondent in both CRL MP'S, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Judgment dated 12.04.2022 passed in C.A.No.21 of 2015 on the file of the learned Additional District and Sessions Judge, Virudhunagar, confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Virudhunagar in C.C.No.184 of 2003 dated 17.08.2015.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the Court of Judicial Magistrate No.II, Virudhunagar, for the alleged offence punishable under Section 408 of IPC and sentenced to undergo Simple Imprisonment for a period of two years and to pay a fine of Rs.2,000/- (Rupees two thousand only) in default to undergo one month simple imprisonment, which was confirmed by the learned Additional District and Sessions Judge, Virudhunagar. The petitioner has filed the present petition for suspension of sentence pending disposal of the revision.

3.The learned counsel appearing for the petitioner prayed that the sentence to be suspended till the disposal of the revision.

4.Heard the submission of the learned Government Advocate (Crl. Side).

5.Considering the facts and circumstances of the case, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar and on further condition that the petitioner shall appear before the said Court weekly once i.e., on every Wednesday at 10.30 a.m. pending disposal of the revision. Crl.M.P (MD)No.5985 of 2022 is ordered. The petitioner is directed to appear before the concerned Magistrate whenever his presence is required.

sd/-

19/05/2022

/ TRUE COPY /

/05/2022



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2 DO THRO' THE PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE JUDICIAL MAGISTRATE NO.II VIRUDHUNAGAR

4 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SIRIVILLIPUTHUR

5 THE INSPECTOR OF POLICE
CCIW CID, VIRUDHUNAGAR DISTRICT.

6 THE ADDITIONAL PUBLIC PROSEUCTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.MARIAPPAN G Advocate SR.No.4952 dated 20.05.2022

ORDER IN

CRL MP(MD) No.5984 & 5985 of 2022

IN CRL RC(MD)No.471 OF 2022

Date :19/05/2022

RS/VR/SAR.4(25.05.2022) 3P 8C