



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.5960 of 2022
in
CRL RC(MD) No.460 of 2022

SASTRI

... PETITIONER/RESPONDENT/RESPONDENT

Vs

1 NALINI
2 MINOR S.JAYAHARI
3 MINOR S.MATHUVANTH
(MINOR RESPONDENT 2,3 ARE REP.BY
THEIR MOTHER AND NATURAL GUARDIAN
THE 1ST RESPONDENT HEREIN)

... RESPONDENTS/PETITIONERS/PETITIONERS

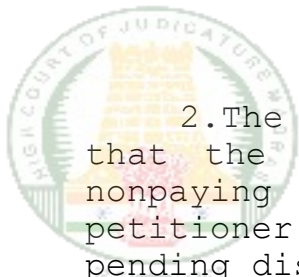
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant suspension the sentence passed by the learned Judicial Magistrate, Thiruvaiyaru under Section 125(3) of the Criminal Procedure Code and directed him to undergo one month S.I for nonpaying of the maintenance amount of Rs.17,38,000/- in M.C.No. 4/2011 in C.M.P.No.962 of 2021 dated 11.04.2022.

PRAYER IN CRL RC(MD) No.460 of 2022:

To call for the entire records with regard to the order passed by the Learned Judicial Magistrate Thiruvaiyar in C.M.P.No.962 of 2021 in M.C.No.4/2011 dated 11.04.2022 and set aside the same.

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.G.BHAGAVATH SINGH, Advocate for the petitioner, 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 11.04.2022 passed under Section 125(3) of the Criminal Procedure Code in M.C.No.4 of 2011 in C.M.P.No.962 of 2021 on the file of the Judicial Magistrate, Thiruvaiyaru.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial court for nonpaying of the maintenance amount of Rs.17,38,000/-. 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 learned counsel for the petitioner.

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, but with condition. The petitioner shall pay Rs.5,00,000/- (Rupees five lakhs only) within a period of four weeks from today and the petitioner shall also pay a sum of Rs.15,000/- (Rupees fifteen thousand only) as monthly maintenance as modified by the court of law.

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, Thiruvaiyaru, 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.

sd/-

19/05/2022

/ TRUE COPY /

/05/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

+1 CC TO MR.S.BHAGAVATHSINGH, ADVOCATE (SR-5017[I] dated 23.05.2022)
ORDER IN
CRL MP(MD) No.5960 of 2022
in CRL RC(MD) No.460 of 2022
Date :19/05/2022

RS/SVR/SAR.1 (20.05.2022) 2P-4C

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