



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fifth day of November Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.7318 of 2022

IN

CRL A(MD)No.597 of 2022

MAREESWARAN

... PETITIONER/PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 1059 OF 2013)

... RESPONDENT/RESPONDENT/
RESPONDENT/SOLE ACCUSED

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 in judgement in in C.C. No. 98 of 2014 dated. 01.04.2021 on the file of the Judicial Magistrate No.I, Kovilpatti, as confimed by the judgment dated 26.04.2022 made in Crl.A. No. 18 of 2021 on the file of the Learned I Additional District Court, Tuticorin pending disposal of the Crl.RC.

Prayer in CRL RC(MD) . 597/ 2022 :

To allow the revision and set aside the judgment dated. 01.04.2021 made in C.C. No. 98 of 2014 on the file of he Judicial Magistrate No. I, Kovilpatti, as confimed by the judgment dated. 26.04.2022 made in Crl.A. No. 18 of 2021 on the file of the Learned I Addiitonal District Court, Tuticorin.

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.MAYILVAHANA RAJENDRAN C, Advocate for the petitioner and of Mr.SS.MADHAVAN, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned I Additional District and Sessions Judge, Tuticorin, in Crl.A.No.18 of 2021, dated 26.04.2022, in confirming the conviction and sentence imposed by the learned Judicial



Magistrate No.I, Kovilpatti, in C.C.No.98 of 2014, dated 01 , pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 392 IPC and sentenced him to undergo two years of rigorous imprisonment and imposed fine of Rs.10,000/- in default to undergo four months simple imprisonment. The appellate Court confirmed the conviction and sentence and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that there is mistaken identity and he also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.S.S.Madhavan, learned Government Advocate appearing for State Government (Crl.side) submitted that it is a case of robbery. On the spot itself, the petitioner was apprehended and the jewel was also recovered and there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate Court No.1, Kovilpatti, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

25/11/2022

/ TRUE COPY /

30/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. C.C. to M/S.MAYILVAHANA RAJENDRAN C Advocate SR.No.13793

ORDER

IN

CRL MP (MD) No.7318 of 2022
IN

CRL A (MD) No.597 of 2022

Date :25/11/2022

TM

SA/VR/SAR.1/30.11.2022/3P/7C