



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

Tuesday, the Thirteenth day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.9304 of 2022

IN

CRL RC(MD) No.759 of 2022

KARUTHAPANDI

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.2 OF 2011.

... RESPONDENT/RESPONDENT

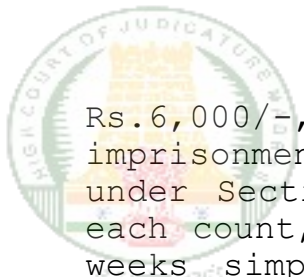
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed Judgment dated 22.02.2022 made in C.A.No.65 of 2017 on the file of Learned Additional District and Sessions Judge, Dindigul confirming the judgment passed by the learned Judicial Magistrate Court, Nilakottai in C.C.No.161 of 2012 by order dated 07.06.2017 and enlarge him on bail pending disposal of the Criminal Revision.

Prayer in CRL RC(MD) . 759/ 2022 :

To call for the records and set aside the impugned Judgment dated 22.02.2022 made in CA.No.65 of 2017 on the file of Learned Additional District and Sessions Judge, Dindigul confirming the judgment passed by the learned Judicial Magistrate Court, Nilakottai in CC.No.161 of 2012 by order dated 07.06.2017 by allowing the revision petition.

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.SELVAKUMAR, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

The petitioner was convicted by the Judgment dated 07.06.2017 by the learned Judicial Magistrate, Nilakottai, in C.C.No.161 of 2012 in the following manner. The petitioner was found guilty for the offence punishable under Section 279 IPC and sentenced to undergo one month simple imprisonment and imposed fine of Rs.1,000/-, in default to undergo two weeks simple imprisonment. He was also found guilty for the offence punishable under Section 337 IPC (12 counts) and imposed fine of Rs.500/- for each count, totally



Rs.6,000/-, in default sentenced to undergo one month imprisonment, he was also found guilty for the offence punishable under Section 338 IPC (2 counts) and imposed fine of Rs.500/- for each count, totally Rs.1,000/-, in default sentenced to undergo two weeks simple imprisonment and he was also found guilty for the offence punishable under Section 304(A) of IPC and sentenced to undergo 6 months simple imprisonment. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.65 of 2017, before the Additional Sessions Judge, Dindigul District, Dindigul and the Appellate Court dismissed the same and confirmed the conviction passed by the trial Court by Judgment dated 22.02.2022. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that the petitioner was released on bail pending trial.

3.Heard the submissions of the learned Additional Public Prosecutor and he also admits that the petitioner was now enlarged on bail by the trial Court.

4.The legality of sentence is only challenged in this petition on the ground that without sufficient evidence, the trial Court as well as the appellate Court has come to the concurrent finding and passed the conviction and sentence and further, the revision case is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5.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, Nilakottai and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-

13/09/2022

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13/09/2022

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE JUDICIAL MAGISTRATE, NILAKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.



4 THE INSPECTOR OF POLICE, NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

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

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ORDER

IN

CRL MP(MD) No.9304 of 2022

IN

CRL RC(MD) No.759 of 2022

Date :13/09/2022

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RS/VRS/SAR.1 (13.09.2022) 3P-6C