



WEB COPY

Crl.M.P(MD)



'22

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

Thursday, the First day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.8871 of 2022

in

Crl.R.C.(MD)No.720 of 2022

BALAN

... PETITIONER/REVISION PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.548/2013.

... RESPONDENT/REVISION 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 by granting bail in Crl.A.61/2020 dated 03/06/2022 on the file of the I Additional District and Sessions Judge, Tirunelveli in SC no.328/14 dated.19/11/2020 on the file of the Assistant Sessions Court,Valliyoor,Tirunelveli till the disposal.

Prayer in CRL RC(MD) . 720/ 2022 :

To call for the records from the lower court and to duly to set the Judgement passed by the I Additional District and Sessions Judge, Tirunelveli in Crl.A.61/2020 dated 03/06/2022 in SC No.328/2014 dated 19/11/2020 on the file of the Assistant Sessions Court.

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.PRABHU.K, Advocate for the petitioner and of M/S.S.MANIKANDAN, Government Advocate(Crl.side) on behalf of the Respondent, while admitting the Crl.RC., the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Assistant Sessions Judge, Valliyoor, in S.C.No.328 of 2014, dated 19.11.2020, which was confirmed by the learned 1st Additional District and Sessions Judge, Tirunelveli, in C.A.No.61 of 2020, dated 03.06.2022, till the disposal of this Criminal Revision.

2. The case of the prosecution is that the petitioner and the defacto complainant's sister are husband and wife, that there existed some dispute between them, for which, the defacto complainant warned the petitioner to run the family properly, due to
https://www.mhe.tn.gov.in/judis



sickle and abused him in filthy language and on that basis, he to be registered in Crime No.548 of 2013.

3. The respondent police, after completing the investigation, has filed the final report and after committal, the case was taken on file in S.C.No.328 of 2014 and the same was pending on the file of the learned Assistant Sessions Judge, Valliyoor.

4. The learned counsel for the petitioner would submit that the petitioner/accused has been convicted by the trial Court for the alleged offence under Section 326 IPC and sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months Simple Imprisonment.

5. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.61 of 2020 on the file of the learned 1st Additional District and Sessions Judge, Tirunelveli. The learned 1st Additional District and Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

6. Admittedly, after filing the suspension of sentence petition, the petitioner surrendered before the trial Court on 10.08.2022 and is in custody till now.

7. The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid fine amount.

8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

10. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of



11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Valliyoor;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

01/09/2022

/ TRUE COPY /

02/09/2022

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

CSM

TO

1.THE JUDICIAL MAGISTRATE, VALLIYOOR.

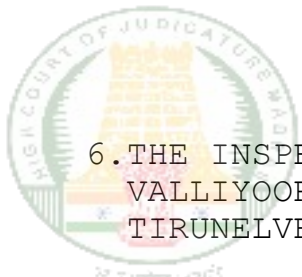
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

4.THE ASSISTANT SESSIONS JUDGE,
VALLIYOOR,TIRUNELVELI.

5.THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

<https://www.madrashighcourt.gov.in>



6.THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. C.C. to M/S.PRABHU K Advocate SR.No.9385

ORDER

IN

Crl.M.P (MD) No.8871 of 2022
in

Crl.R.C. (MD) No.720 of 2022

Date :01/09/2022

RK/SVR/SAR-I (02/09/2022) 4P/9C