



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of August Two Thousand and Twenty
Two

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.8258 of 2022

in

Crl.R.C.(MD)No.667 of 2022

BARANIKUMAR

... PETITIONER / PETITIONER /
APPELLANT / ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.403/2013

... RESPONDENT / RESPONDENT /
RESPONDENT / COMPLAINANT

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 as against the petitioner passed by the Learned Judicial Magistrate Thiruvaiyaru, Thanjavur Distirct dated 10.02.2021 confirming the said order passed by the Learned Additional District Court Essential Commodities Act Special Court Thanjavur in C.A.No.25/2021 dated 23.05.2022, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 667/ 2022 :

To pass to call for the records and set-aside the order of conviction inflicted as against the petitioner passed in C.C.No.95/2014 on the file of the Learned Judicial Magistrate Thiruvaiyaru, Thanjavur District dated 10.02.2021 confirming the said order passed by the Learned Additional District Court / Essential Commodities Act Special Court, Thanjavur in C.A.No.25 of 2021 dated 23.05.2022.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.JEGADEESH PANDIAN, Advocate for the petitioner and of MR.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 Judicial Magistrate, Thiruvaiyaru, Thanjavur District, in C.C.No.95 of 2014, dated 10.02.2021, which was confirmed by the learned Additional District Court / Essential Commodities Act Special Court, Thanjavur, in C.A.No.25 of 2021, dated 23.05.2022, till the disposal of this Criminal Revision.

2. The case of the prosecution is that the petitioner/first accused and other accused abused the defacto complainant by using filthy language, attacked him by using deadly weapons and also threatened him and on that basis, FIR came to be registered in Crime No.403 of 2013.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.95 of 2014 on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

4. The learned counsel for the petitioner would submit that the petitioner/first accused has been convicted by the trial Court for the alleged offence under Section 325 IPC and sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.8,000/-, in default, to undergo one month Simple Imprisonment.

5. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.25 of 2021 on the file of the learned Additional District Judge, Thanjavur. The learned Additional District Judge, Thanjavur, 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 25.07.2022 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.

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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 sentence.

11. Accordingly, the relief of suspension of sentence and bail 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, Thiruvaiyaru, Thanjavur District;

(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/-

24/08/2022

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24/08/2022

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



TO

1 THE JUDGE,
ADDITIONAL DISTRICT COURT / ESSENTIAL
COMMODITIES ACT SPECIAL COURT, THANJAVUR.

2 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

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

4 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION, THANJAVUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-8951[I] dated
24/08/2022)

ORDER

IN

CRL MP (MD) No.8258 of 2022

in

CRL RC (MD) No.667 of 2022

Date :24/08/2022

MK/PN/SAR.IV/24.08.2022/4P/8C