



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.9661 of 2022
in
Crl.R.C. (MD)No.779 of 2022

RAVI

... PETITIONER/REVISION PETITIONER

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.211 OF 2012

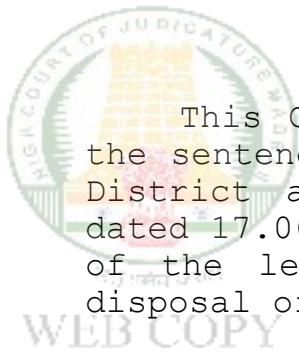
... RESPONDENT/RESPONDENT

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 on the petitioner vide Judgement passed by the learned 1st Additional District and Sessions Judge, Tirunelveli in C.A.No. 73 of 2018, Dated 17.06.2022 in S.C.No. 107 of 2013, Dated. 22.06.2018 on the file of the learned Assistant Sessions Judge, Ambasamudram and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

Prayer in CRL RC(MD) . 779/ 2022 :

To Take this revision on file and call for the entire records in connection with the judgment passed by the learned 1st Additional District and Sessions Judge, Tirunelveli in C.A. No. 73 of 2018, Dated 17.06.2022 by modifying the order of conviction passed by the Learned Assistant Sessions Judge, Ambasamudram in S.C.No.107 of 2013 on 22.06.2018 and set aside the conviction and sentence imposed on the revision petitioner.

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.D.S. HAROON RASHEED, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate on behalf of the Respondent, while admitting the Criminal Revision, the court made the following order:-



This Criminal Miscellaneous Petition has been filed to set aside the sentence imposed on the petitioner by the learned 1st Additional District and Sessions Judge, Tirunelveli, in C.A.No.73 of 2018, dated 17.06.2022 in S.C.No.107 of 2013, dated 22.06.2018 on the file of the learned Assistant Sessions Judge, Ambasamudram, 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 and his wife by using filthy language, attacked them by using deadly weapons and also threatened them and on that basis, FIR came to be registered in Crime No.211 of 2012.

3. The respondent police, after completing the investigation, has filed the final report and, after committal, the case was taken on file and the same was pending in S.C.No.107 of 2013 on the file of the learned Assistant Sessions Judge, Ambasamudram.

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 326 IPC and sentenced to undergo one year 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 along with the second accused has filed an appeal in C.A.No.73 of 2018 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 modified the sentence to the effect that the petitioner to undergo six months Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months Simple Imprisonment and partly allowed the appeal. Being dissatisfied with the above said judgment, 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 17.08.2022 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.

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 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 Assistant Sessions Judge, Ambasamudram;

(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.

TO

- 1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUNELVELI.
- 2 THE ASSISTANT SESSIONS JUDGE,
AMBASAMUDIRAM.



3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI.

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

+1 CC to M/s.S.SATHIYA CHIDAMBARAM, Advocate (SR-9384[I] dated
01/09/2022)

ORDER

IN

Crl.M.P (MD) No.9661 of 2022
in

Crl.R.C. (MD) No.779 of 2022

Date :01/09/2022

csm

PKP/VR/SAR-1/02.09.2022/4P/7C