



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

Wednesday, the Second day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL MP(MD) No.13112 of 2022
in
CRL RC(MD) No.1041 of 2022

MURUGAN

... PETITIONER/APPELLANT/ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

... 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 against the petitioner in CA.No.22/2019 dt.13/04/2022 on the file of the 1st Additional District and Sessions Court, Tirunelveli confirming the judgement in CC No.99/2013 dt.11/02/2019 on the file of the Judicial Magistrate Court, Valliyoor and enlarge the petitioner on bail pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD).1041/2022 :

To set aside the judgment passed in C.A.No.22 of 2019 dated 13.04.2022 on the file of the 1st Additional District and Sessions Court, Tirunelveli confirming the judgment and sentence passed in C.C.No.99/2013 dated 11.02.2019 on the file of Judicial Magistrate Court, Valliyoor by allowing this criminal 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.ALWIN BALAN P P, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public prosecutor on behalf of the Respondent, while admitting the CRL RC., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 304(A) IPC and sentenced him to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for a period of one month in C.C.No.99 of 2013 on the file of the Judicial Magistrate, Valliyoor.



2.The learned Additional District & Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.22 of 2019, dated 13.04.2022.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

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

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.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 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, Valliyoor, and on further condition that the petitioner shall appear before the respondent police once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
02/11/2022

/ TRUE COPY /

16/11/2022

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 JUDICIAL MAGISTRATE, VALLIYOOR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

4 THE SUB INSPECTOR OF POLICE, RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-12379[I] dated
03/11/2022)

ORDER

IN

CRL MP(MD) No.13112 of 2022
in

CRL RC(MD) No.1041 of 2022

Date :02/11/2022

skn

RS/TR/SAR.1(16.11.2022) 3P-7C