



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

Wednesday, the Twenty Third day of February Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.7662 of 2021

IN

CRL RC(MD) No.693 of 2021

M.RASIAH

... PETITIONER/ PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
COMMERCIAL CASES INVESTIGATION WING,
TIRUNELVELI.
UNDER CRIME NO.02 OF 2013.

... RESPONDENT/ RESPONDENT

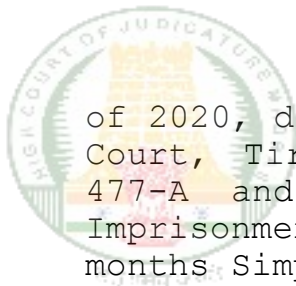
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of conviction passed in C.C.No.9/2014 on the file of Judicial Magistrate court No.2(CCIW-Special Court), Tirunelveli dated 31.07.2020 as confirmed in Crl A No.38 of 2020 dated 24.08.2021 (on the file of IV Additional District court, Tirunelveli convicting the petitioner under section 408, 477-A and 204 of Indian Penal Code sentenced him to undergo one year Simple Imprisonment, to pay a fine of Rs.100/- in default to undergo 3 months Simple Imprisonment for each the offence and the sentences are to run concurrently pending disposal of Crl.RC.

Prayer in CRL RC(MD). 693/ 2021 :

To call for the records and set aside the orders passed in Crl A No.38 of 2020, dated 24.08.2021 on the file of IV Additional District Court, Tirunelveli confirming the orders passed in C.C.No. 9 of 2014 on the file of Judicial Magistrate Court No.2, Tirunelveli dated 31.07.2020

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.K.R.LAXMAN, Advocate for the petitioner, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence and conviction passed in C.C.No.9 of 2014, on the file of the learned Judicial Magistrate Court No.2 (CCIW-Special Court), Tirunelveli dated 31.07.2020, as confirmed in Criminal Appeal No.38



of 2020, dated 24.08.2021, on the file of the IV Additional District Court, Tirunelveli, convicting the petitioner under Section 408, 477-A and 204 IPC sentenced him to undergo one year Simple Imprisonment, to pay a fine of Rs.100/- in default to undergo 3 months Simple Imprisonment.

WEB COPY

2. Heard the learned counsel appearing for the petitioner and perused the material placed before this Court.

3. A perusal of the documents shows that the petitioner did not surrender before the trial Court as per the order of the trial Court made earlier. Hence, there is no question of granting suspension of sentence to the petitioner at this stage itself. Hence this Court is of the view, that the petitioner is not entitled for suspension of sentence and hence this Criminal Miscellaneous Petition is dismissed.

sd/-

23/02/2022

/ TRUE COPY /

/ /2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
(CCIW SPECIAL COURT),
TIRUNELVELI.
- 2 THE JUDGE,
IV ADDITIONAL DISTRICT COURT,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
COMMERCIAL CASES INVESTIGATION WING,
TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.7662 of 2021

IN

CRL RC(MD) No.693 of 2021

Date :23/02/2022

mga

MK/SBN/SAR.IV/09.03.2022/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>