



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.7667 of 2021
IN
CRL RC(MD) No.695 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.

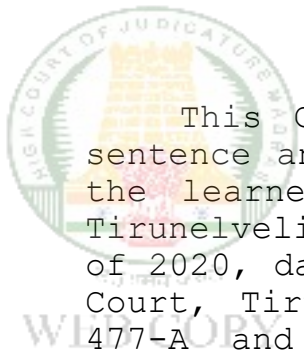
... RESPONDENT/RESPONDENT

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.6 of 2014, on the file of Judicial Magistrate Court No.2 (CCIW-Special Court), Tirunelveli dt.31/07/2020 as confirmed in CrI.A.37 of 2020, dt.24/08/2021(on the file of the 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.

Prayer in CRL RC(MD) . 695/ 2021 :

To call for the records and to set aside the orders passed in CrI.A.37 of 2020, dt.24/08/2021 on the file of the IV Additional District Court, Tirunelveli, Confirming the orders passed in C.C.No.6 of 2014, on the file of Judicial Magistrate Court No.2(CCIW - Special Court), 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 and of M/S.M.AASHA, Government Advocate (Criminal Side)on behalf of the Respondents the court made the following order:-



This Criminal Miscellaneous Petition is filed to suspend the sentence and conviction passed in C.C.No.6 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.37 of 2020, dated 24.08.2021, on the file of the IV Additional District Court, Tirunelveli, convicting the petitioner under Sections 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 for each of the offences.

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

3. A perusal of the documents which 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 entitle 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.

TO

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

ORDER
IN
CRL MP(MD) No.7667 of 2021
IN
CRL RC(MD) No.695 of 2021
Date :23/02/2022

mga

<https://hccs.certh.org/SignDoc/1003.2022/2P/5C>