



WEB COPY

CRL MP(MD) A



22

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

Wednesday, the Twenty First day of September Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11338 of 2022

in

CRL.RC.(MD)No.914 of 2022

KARUNANITHI

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PEW WING KULITHALAI,
KARUR DISTRICT.

CRIME NO. 50 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 of imprisonment imposed in Crl.A.No.43 of 200 on the file of the Learned Sessions Judge, Karur, dated.17.2.2022 by which confirming the judgement ad modifying the sentence to three years Rigorous Imprisonment instead of Five years Rigorous Imprisonment passed in S.C.No.54 of 2014 on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District dated 10.12.2020 pending disposal of the above Criminal Revision Petition.

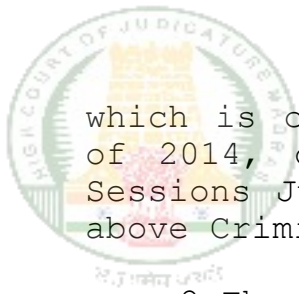
PRAYER in CRL.RC.(MD)No.914 of 2022 :

Pleased to call for the records set aside the judgment and conviction dated 17.02.2022 made in Crl.A.No.43 of 2020 on the file of the learned Sessions Judge, Karur, by which confirming the judgment and modifying the sentence to Three years Rigorous Imprisonment instead of Five years Rigorous Imprisonment passed in S.C.No.54 of 2014 on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District, dated 10.12.2020 and acquit the petitioner/accused.

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.GOKULRAJ.S, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Crl.R.C., the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed upon the petitioner in Crl.A.No.43 of 2020, dated 17.02.2022, on the file of learned Sessions Judge, Karur,

<https://www.mhc.tn.gov.in/judis>



which is confirmed and modified the judgment passed in S.' 54 of 2014, dated 10.12.2020, on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District, pending disposal of the above Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted in respect of the offence under Section 4(1A) (aaa) and 4(1A) of Tamil Nadu Prohibition Act and sentenced him to undergo Rigorous Imprisonment for a period of 3 years and to pay a compensation of Rs.5,000/-, in default to undergo Simple Imprisonment for a period of 3 months, in S.T.C.No.54 of 2014 on the file of the learned Assistant Sessions Judge, Kulithalai, Karur District.

3.The learned counsel for the petitioner would submit that similarly placed first accused moved Crl.R.C.(MD)No.444 of 2022 before this Court. Pending the above said revision, Crl.MP(MD) No.5840 of 2022 was moved and that was also ordered by this Court, dated 19.05.2022. He would further submit that only the above said first accused is responsible for the substance, which was seized by the respondent police.

4.According to him, since the co-accused granted suspension of sentence and revision has been admitted, he is also standing in the very same footing and the same benefit to be extended to this petitioner also.

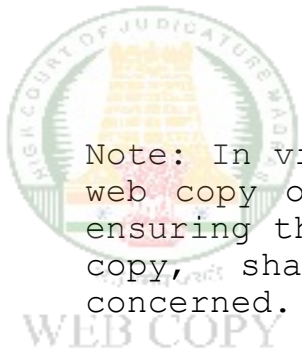
5.Considering the facts and circumstances of the case and also considering fact that the co-accused was granted suspension of sentence by this Court, this Court is inclined to grant suspension of sentence to the petitioner.

6.Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 Assistant Sessions Judge, Kulithalai, Karur District, and on further condition that the petitioner shall appear before the said Court **once in a week** at 10.30 a.m. pending appeal.

sd/-
21/09/2022

/ TRUE COPY /

23/09/2022
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 SESSIONS JUDGE,
KARUR.
2. THE ASSISTANT SESSIONS JUDGE,
KULITHALAI, KARUR.
3. THE INSPECTOR OF POLICE
PEW WING KULITHALAI,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-10309[I] dated 21/09/2022)

ORDER
IN
CRL MP(MD) No.11338 of 2022
in
CRL.RC.(MD)No.914 of 2022
Date :21/09/2022

DSS
USK/SBN/SAR-I/23.09.2022/3P/6C