



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.ILANGOVAN

CRL MP(MD) No.11301 of 2022

IN

CRL RC(MD) No.434 of 2022

RAMADOSS

... PETITIONER/APPELLANT/1ST ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH POLICE STATION,

THANJAVUR DISTRICT.

(CRIME NO.13 OF 2000)

... 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 in C.C.No.135 of 2002 on the file of Judicial Magistrate No.1, Thanjavur Dated. 24.09.2018 and same was confirmed by the learned Additional Session cum Fast Track Court, Thanjavur in C.A.No. 127 of 2018 on 30.04.2021 and release the petitioner on bail pending disposal of the criminal revision.

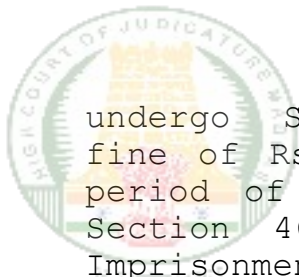
Prayer in CRL RC(MD)No.434 of 2022 :

To call for records and set-aside the judgment passed in C.C.No.135/02 on the file of Judicial Magistrate NO.1, Thanjavur dated 24.09.2018 and same was confirmed by the learned Additional District Session Cum Fast Track Court in Thanjavur in C.A.No.127/2018 on 30.04.2021 and acquit the petitioner by allowing this revision.

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.KALAYARASI BHARATHI P, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed upon the petitioner in C.C.No.135 of 2002, dated 11.09.2017, on the file of learned Judicial Magistrate No.1, Thanjavur, which is confirmed by the judgment passed in Crl.A.No.127 of 2018, dated 30.04.2021, on the file of the learned Additional Sessions cum FTC, Thanjavur, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the offence under Section 465 r/w 34 IPC and sentenced him to



undergo Simple Imprisonment for a period of 2 years and a fine of Rs.500/- in default to undergo Simple Imprisonment for a period of 1 month, convicted him for the alleged offence under Section 468 r/w 34 IPC and sentenced him to undergo Simple Imprisonment for a period of 2 years and to pay a fine of Rs.500/-, in default to undergo Simple Imprisonment for a period of 1 month and convicted him for the alleged offence under Section 471 r/w 34 IPC and sentenced him to undergo Simple Imprisonment for a period of 2 years and to pay a fine of Rs.500/- in default to undergo Simple Imprisonment for a period of 1 month, in C.C.No.135 of 2002 on the file of the learned Judicial Magistrate No.1, Thanjavur.

3.It is submitted by the learned counsel for the petitioner that this is the second petition. Earlier petition filed by the petitioner was dismissed by this Court on the ground that short duration of incarceration, petition has been filed. He would further submit that co-accused was granted suspension of sentence by this Court. Hence, he prays to grant of suspension of sentence to the petitioner.

4.It is submitted by the learned Government Advocate (Crl.Side) that earlier petition filed by the petitioner in Crl.MP(MD)No.5775 of 2022 was dismissed by this Court, dated 18.07.2022, on the ground that short duration of incarceration, petition has been filed. This petition has been filed on the ground that similarly placed third accused was granted suspension of sentence by this Court, in Crl.MP(MD)No.7829 of 2022 by the order, dated 18.07.2022.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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 Judicial Magistrate No.1, Thanjavur, 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.



TO

1 THE ADDITIONAL SESSIONS CUM FAST TRACK COURT, THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-10319[I] dated
21/09/2022)

ORDER

IN

CRL MP(MD) No.11301 of 2022

IN

CRL RC(MD) No.434 of 2022

Date :21/09/2022

dss

RS/VR/SAR.1 (23.09.2022) 3P-7C