



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

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

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)No.10671 of 2022
in
Crl.R.C.(MD) No.849 of 2022

1 SOLAI

2 VELLAIAMMAL

... PETITIONERS/REVISION PETITIONERS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
KARAIKUDI.
CRIME NO.703 OF 2019.

... 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 passed in Judgment of conviction and sentence dated 27.07.2022 in Crl.A.No.71 of 2019 on the file of Learned Principal District and Sessions Judge, Sivagangai confirming the same by Judgment of conviction and sentence dated 05.09.2019 in C.C.No.148/2010 on the file Learned Principal District Munsif cum Judicial Magistrate, Karaikudi convicting the Petitioners/appellants for offences under section 468 of I.P.C., and sentencing them to undergo 2 years imprisonment and also to pay fine amount of Rs.1000/- in default to undergo simple imprisonment of 2 years pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 849/ 2022 :

To call for the records relating to the Judgment of conviction and sentence dated 27.07.2022 in Crl.A.No.71 of 2019 on the file of Learned Principal District and Sessions Judge, Sivagangai confirming the same by Judgment of conviction and sentence dated 05.09.2019 in C.C.No.148/2010 on the file Learned Principal District Munsif cum Judicial Magistrate, sivagangai and set aside the same.

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.SUNDAR SRINIVASAN R, Advocate for the petitioner, and of M/S.S.MANIKANDAN, Government Advocate for the Respondent, and on the basis of the records submitted, the court made the following order:-



This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi, in C.C.No.148 of 2010, dated 05.09.2019, which was confirmed by the learned Principal District and Sessions Judge, Sivagangai, in C.A.No.71 of 2019, dated 27.07.2022, till the disposal of this Criminal Revision.

2.The case against the petitioners is that the first accused, namely, Ganeshkumar applied for passport and upon verification, it was found that the birth certificate submitted by the first accused is not genuine one, thereafter, the same was sent for verification and based upon the report received, the said birth certificate was found to be a forged one. A case in Crime No.703 of 2009 was registered against the first accused under Sections 468 and 471 of IPC. Based on the confession of the first accused, the other accused persons including the petitioners were included. After investigation, the respondent police has filed a final report against four persons including the petitioners and the same was taken on file in C.C.No.148 of 2010. The trial Court convicted the petitioners under Section 468 IPC and sentenced them to undergo rigorous imprisonment for a period of two years each and to pay a fine of Rs.1,000/- each, in default, to undergo two months rigorous imprisonment. Challenging the above said conviction and sentence, the petitioners have filed an appeal in C.A.No.71 of 2019 on the file of the learned Principal District and Sessions Judge, Sivagangai. The learned Principal District and Sessions Judge, Sivagangai, confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioners have preferred the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

3.On the side of the petitioners, it is stated that the trial Court failed to appreciate the evidence in the proper perspective and that there are arguable points in the appeal and prayed to suspension of sentence till the disposal of the appeal.

4.On the side of the prosecution, it is stated that A1 in this case was having four previous cases of similar nature. The first petitioner/A2 and the second petitioners are having one previous case of similar nature and that the petitioners failed to appear before the first Appellate Court on the date of Judgment and no exemption petition was filed and there is no reason or sufficient enough to suspend the sentence and prayed the petition to be dismissed.

5.Considering the above facts and circumstances of the case and on considering the submissions made by both sides and also on considering the fact that no exemption petition was filed along with



this petition, this Court is not inclined to grant suspension of sentence to the petitioners. However, the petitioners are directed to surrender before the concerned Court and they are at liberty to file a petition subsequently.

6. In the result, this Criminal Miscellaneous Petition is dismissed.

sd/-

07/09/2022

/ TRUE COPY /

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

sjj

TO

- 1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI
 - 2.THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI
 - 3.THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGANGAI
 - 4.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
 - 5.THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
KARAIKUDI.
 - 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.SUNDAR SRINIVASAN R Advocate SR.No.9851

ORDER

IN

Crl.M.P.(MD)No.10671 of 2022
in

Crl.R.C.(MD) No.849 of 2022

Date :07/09/2022

RK/SVR/SAR-1 (16/09/2022) 3P/8C