



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

Tuesday, the Thirteenth day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.10909 of 2022

in

Crl.R.C. (MD) .No.874 of 2022

MURUGAN

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
CCIW, NAGERCOIL.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of SUSPEND THE SENTENCE imposed by the judgment dated 30.07.2022 passed in CA No.25 of 2005 on the file of Sessions Fast Track Mahila Court, Kanniyakumari at Nagercoil confirming the judgment dated 31.01.2005 passed in CC No.9 of 2001 on the Judicial Magistrate Court No.II, Tirunelveli.

PRAYER in Crl.R.C. (MD) .No.874 of 2022 :

To call for the records and to set aside the judgment dated 30.07.2022 passed in C.A.No.25 of 2005 on the file of Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil confirming the judgment dated 31.01.2005 passed in CC No.9 of 2001 on the Judicial Magistrate Court No.II, Tirunelveli.

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.MURUGAN.R, 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:-

The petitioner was convicted by the Judgment dated 31.01.2005 by the learned Judicial Magistrate No.II, Tirunelveli, in C.C.No.9 of 2001 in the following manner. The petitioner was found guilty for the offence punishable under Sections 477A and 408 IPC and sentenced to undergo three months each and to pay fine of Rs.100/- each (total fine Rs.200/-) in default to undergo Rigorous Imprisonment of two months each. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.25 of 2005, before the Sessions Fast Track Mahila Court, Kanniyakumari at Nagercoil and the same was dismissed by confirming the judgment in C.C.No.9 of 2001 dated 31.01.2005. Hence, the petitioner seeks suspension of sentence.



2.The learned counsel appearing for the petitioner would submit that the petitioner was released on bail pending trial.

3.Heard the submissions of the learned Government Advocate (Crl.Side) and he also admits that the petitioner was now enlarged on bail by the trial Court.

4. The power of the petitioner has been challenged in the revision and further, the revision case is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended 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 Judicial Magistrate Court No.II, Tirunelveli, on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-
13/09/2022

/ TRUE COPY /

22/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE,
SESSIONS FAST TRACK MAHILA COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
CCIW, NAGERCOIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.R.MURUGAN, Advocate (SR-9927 & 9928[I] dated 13/09/2022)

ORDER IN
CRL MP(MD) No.10909 of 2022
in
Crl.R.C.(MD).No.874 of 2022
Date :13/09/2022

tta

<https://www.mca.gov.in/IV/22.09.2022/2P/8C>