



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11005 of 2022
in
Crl.R.C(MD).No.880 of 2022

1. AMBALAM @ AMALRAJ
2. PANDIYAN
3. PRASANTH

... PETITIONERS/REVISION PETITIONERS

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 310 OF 2016.

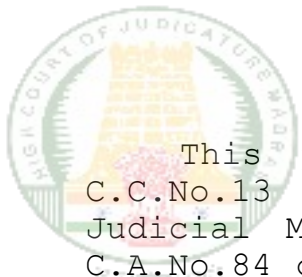
... RESPONDENT/RESPONDENT

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 the petitioner imposed in Judgment dated 23.06.2022 made in C.A No.84 of 2021 on the file of the 1st Additional District and Sessions Judge, (PCR Court), Thanjavur by confirming the judgment in C.C No. 13 of 2017 dated 18.10.2021 on the file of Learned Judicial Magistrate, Thiruvaiyaru, pending disposal of the above Criminal Revision Petition.

PRAYER IN Crl.R.C(MD).No.880 of 2022 :

Pleased to call for the records and set aside the judgment dated 23.06.2022 made in C.A.No.84 of 2021 on the file of 1st Additional District & Sessions Judge, (PCR Court), Thanjavur, confirming the judgment in C.C.No.13 of 2017 dated 18.10.2021 on the file of Learned Judicial Magistrate, Thiruvaiyaru and to allow the Criminal 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.ARUN PRASAD.A, 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 is filed to suspend the sentence passed in C.C.No.13 of 2017, dated 18.10.2021 on the file of the learned Judicial Magistrate, Thiruvaiyaru and the same was confirmed in C.A.No.84 of 2021, dated 23.06.2022 on the file of the I Additional District and Sessions Court (PCR Court), Thanjavur, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the trial Court has passed the following order:-

(a) the first petitioner was convicted for the alleged offence under Section 323 IPC (two counts) and sentenced to undergo 3 months rigorous imprisonment for a period of three months and to pay a fine of Rs.1,000/- for each count in default to undergo simple imprisonment for a period of one week and also convicted for the offence under Section 294(b) IPC sentenced to undergo 1 month rigorous imprisonment for a period of three months and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for a period of one week;

(b) the second petitioner was convicted for the offence under Section 324 IPC and sentenced to undergo rigorous imprisonment for a period of 6 months and to pay a fine of Rs.10,000/- in default to undergo one month simple imprisonment;

(c) the third petitioner was convicted for the offence under Section 323 IPC and sentenced to undergo rigorous imprisonment of three months and to pay a fine of Rs.1,000/- in default to undergo one week simple imprisonment.

3. The same was confirmed by the learned I Additional District and Sessions Judge (PCR Court), Thanjavur in Crl.A.No.84 of 2021, dated 23.06.2022.

4.Mr.S.Manikandan, learned Government Advocate (Crl.Side) for the respondent submitted that there are enough materials available on record against the petitioners and hence he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.Having regard to the fact that there are arguable points involved in the revision case 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 petitioners are already enlarged on bail by the trial Court, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.



7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further condition that the petitioners 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/-
27/09/2022

/ TRUE COPY /

28/09/2022

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

TO

1. THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(PCR COURT), THANJAVUR.
2. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
4. THE INSPECTOR OF POLICE
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.11005 of 2022
in
Cr1.R.C(MD).No.880 of 2022
Date :27/09/2022

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USK/VRS/SAR-III/28.09.2022/3P/6C