



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

Monday, the Tenth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL MP(MD) No.11958 of 2022
IN
CRL RC(MD) No.973 of 2022

NALLA MOHAMMED

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.

... RESPONDENT/RESPONDENT

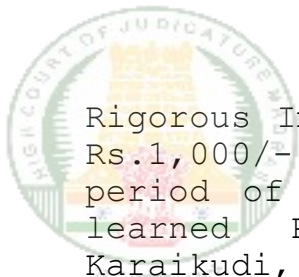
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence made in CA No.69/2019 dt.27.07.2022 on the file of the Principal District and Sessions Court, Sivagangai, conforming in CC No.148/2010 dt.05.09.2019 on the file of the Principal District Munsif Cum Judicial Magistrate Court, karaikudi till the disposal of the above Criminal Revision Petition.

PRAYER IN CRL.RC(MD).973 of 2022:

Pleased to call for the records and set aside the impugned judgment made in Crl.A.No.69 of 2019 dated 27.07.2022 on the file of the Principal District and Sessions Court, Sivagangai by confirming the judgment and conviction of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi made in C.C.No.148 of 2010 dated 5.9.2019 and order for acquit the petitioner/4th accused and order to refund the fine amount imposed and paid by the petitioner/4th 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.ARUN JAYATRAM.P, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.RC., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 468 of IPC, and sentenced him to undergo



Rigorous Imprisonment for a period of 2 years and to pay a fine of Rs.1,000/- as fine in default to undergo Rigorous Imprisonment for a period of 2 months in C.C.No.148 of 2010, on the file of the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, dated 05.09.2019.

WEB COPY

2.The learned Principal District and Sessions Court, Sivagangai, confirmed the conviction and sentence and dismissed the Crl.A.No.69 of 2019, dated 27.07.2022.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and 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.

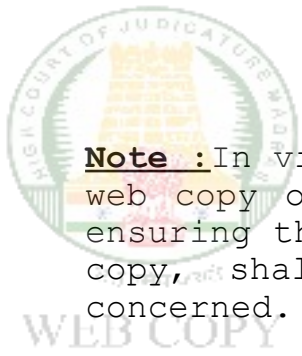
6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the revision 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 Principal District Munsif cum Judicial Magistrate Court, Karaikudi.

sd/-
10/10/2022

/ TRUE COPY /

14/10/2022
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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.
- 2 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.ARUN JAYATRAM.P Advocate SR.No.11203

ORDER**IN**

CRL MP(MD) No.11958 of 2022

IN

CRL RC(MD) No.973 of 2022

Date :10/10/2022

dss

SA/VR/SAR. /14.10.2022/3P/7C