



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

Friday, the Second day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11917 of 2022

IN

CRL RC(MD) No.968 of 2022

PRINCE

... REVISION PETITIONER/ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
KADAIYALUMODU POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.1/2008.

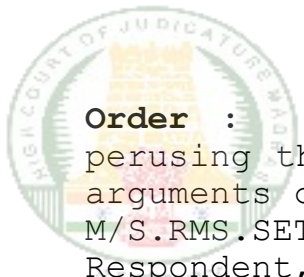
... RESPONDENT/COMPLAINANT

Prayer in CRL MP(MD).11917/2022 :

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail and suspend the sentence passed by the Additional Sessions Judge, Kuzhithurai in Crl.A.34/2014 dt.14/09/2022 confirming the sentence of rigorous imprisonment for 3 years and to pay fine of Rs.1000/- in default to undergo simple imprisonment for 6 months for the offence u/s.452 IPC and convicted and sentence to undergo rigorous imprisonment for 7 years and to pay a fine amount of Rs.1000/- in default to undergo simple imprisonment for 6 months for the offence u/s.307 IPC till the disposal of this revision petition.

Prayer in CRL RC(MD). 968/ 2022 :

To call for the records and set aside the order of conviction and sentence confirmed by the Additional Sessions Court in CA.No.34/2014 dt.14/09/2022 convicting the revision petitioner in SC No.72/2008 of Assistant Sessions Court, Kuzhithurai dated 04.07.2014 for the offences u/s.452 IPC to undergo rigorous imprisonment for three years and to pay a fine of Rs.1000/- in default to undergo simple imprisonment for six months. For the offence u/s.307 IPC convicted and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.1000/- in default to undergo simple imprisonment for six months and imprisonment is to run concurrently and set aside the same and acquit the appellant / accused.



Order : This petition coming up for orders on this day, on perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.R.SREENIVASAN, Advocate for the petitioner and of M/S.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

WEB COPY

This petition is filed to suspend the sentence imposed by the Court of the learned Additional District Judge, Kuzhithurai, in Crl.A.No.34 of 2014, dated 14.09.2022, in confirming the conviction and sentence imposed by the learned Assistant Sessions Judge, Kuzhithurai, in S.C.No.72 of 2008, dated 04.07.2014, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 452 IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for six months and for the offence under Section 307 IPC and sentenced to undergo seven years rigorous imprisonment and to pay fine of Rs.1,000/- in default to undergo simple imprisonment for six months. The sentences are ordered to run concurrently. The appellate court has confirmed the conviction and sentence.

3.This matter was already heard and reserved for orders. On going through the records the nature of injury that was suffered by the injured was not informed the Court. On that ground wound certificate is ordered to be produced. There was no medical examination. The Medical Officer is not examined before the concerned Court. That was not explained or discussed in the appeal. On the sole ground this Court is inclined to allow this petition.

4.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 his executing 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 Assistant Sessions Judge, Kuzhithurai, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

02/12/2022

/ TRUE COPY /

06/12/2022

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



TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI.
- 2 THE ADDITIONAL DISTRICT JUDGE,
KUZHITHURAI.
- 3 THE ASSISTANT SESSIONS JUDGE,
KUZHITHURAI.
- 4 THE INSPECTOR OF POLICE,
KADAIYALUMODU POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. SREENIVASAN.M.R. Advocate SR.No.14286

ORDER

IN

CRL MP(MD) No.11917 of 2022
IN

CRL RC(MD) No.968 of 2022

Date :02/12/2022

TM

SA/VR/SAR. /06.12.2022/3P/7C