



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

Thursday, the Sixth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.12000 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 by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi in CC No.148/2010 dt.5/9/2019 confirmed by the learned Principal District and Sessions Judge, Sivagangai in Crl.A.No.71/2019 dt.27/7/2022, pending disposal of the main 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.GAYATHRI.N, Advocate for the petitioner, and of M/S.K.SANJAI GANDHI, Government Advocate (Crl.Side) for the Respondent, the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.148 of 2010, dated 05.09.2019 on the file of the learned



Principal District Munsif cum Judicial Magistrate, Karaikal and the same was confirmed in C.A.No.71 of 2019, dated 27.07.2022 on the file of the learned Principal District and Sessions Judge, Sivagangai, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioners submitted that the trial Court, by Judgment dated 05.09.2019 in C.C.No.148 of 2010, convicted the petitioners for the offence under Section 468 IPC and sentenced them to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo two months rigorous imprisonment. Aggrieved over the Judgment of conviction and sentence, they also preferred an appeal in Crl.A.(MD)No.71 of 2019 before the learned Principal District and Sessions Judge, Sivagangai. The learned Principal District and Sessions Judge, Sivagangai, by Judgment dated 05.03.2022 dismissed the appeal, by confirming the conviction and sentence passed by the trial Court.

3.It is submitted by the learned counsel appearing for the petitioners that the petitioners herein have been arrayed as accused based on the alleged confession statement given by the first accused and none of the prosecution witnesses have stated about the involvement of the petitioners in the crime. However, the trial Court, without considering the same, convicted and sentenced the petitioners. The Appellate Court has also confirmed the conviction and sentence imposed by the trial Court in a mechanical manner. Since there are arguable points in favour of the petitioners, he prays for allowing this petition.

4.The learned Government Advocate (Crl. Side) appearing 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.The perusal of records including the grounds of revision refers to certain arguable points involved in this case. However, there is no likelihood of listing the criminal revision for final hearing in the near future. Considering the nature of the crime and the overall circumstances involved in this case, this Court is of the considered view that the petitioners are entitled for 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 revision petition and the petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties like sum to the satisfaction of the learned Principal



District Munsif cum Judicial Magistrate, Karaikudi and or
condition that the petitioners shall appear before the concerned
Court on the first working day of every English Calender month at
10.30 a.m., until further orders.

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sd/-
06/10/2022

/ TRUE COPY /

07/10/2022

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

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 CC to M/s.N.GAYATHRI, Advocate (SR-11070[I] dated 07/10/2022)

ORDER
IN
CRL MP(MD) No.12000 of 2022
in
Cr1.R.C.(MD) No.849 of 2022
Date :06/10/2022

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USK/SBN/SAR-I/07.10.2022/3P/8C