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Crl.R.C.(MD)



22

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

Tuesday, the Eighteenth day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) Nos.12421 & 12422 of 2022

in

Crl.R.C. (MD) .No.999 of 2022

1 KRISHNAN
2 KANNAN @ KARUPPAIAH
3 PANDIYAN

... PETITIONERS/APPELLANTS
IN BOTH PETITIONS

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
GANESHNAGAR POLICE STATION,
PUDUKOTTAI DISTRICT.
CRIME NO.158/2016.

... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

Prayer in CRL MP(MD) No.12421/2022 :

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 imposed by the Learned Additional District and Sessions Court, Pudukottai in CA.No.2/2018 dated.29/9/2022, confirming the judgement of Conviction and sentence passed by the Chief Judicial Magistrate Pudukottai in SC no.115/2016.

Prayer in CRL MP(MD) . 12422/2022 :

To exempt the petitioners from surrendering before the trial court in SC No.115/2016 dated.4/1/2018 on the file of the Chief Judicial Magistrate, Pudukkottai as confirmed in CA No.2/2018 dt.29/9/2022 on the file of the Additional District and Sessions Court, Pudukottai pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD) . 999/ 2022 :

To call for the records pertaining to the judgement and sentence passed in CA.No.2/2018 dated.29/9/2022 on the file of the Additional District and Sessions Court, Pudukottai confirming the judgement and sentence passed in SC No.115/2016 dated.4/1/2018 on the file of the Chief Judicial Magistrate, Pudukkottai 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.PAVEL V, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Criminal) on behalf of the Respondent, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



The petitioner was convicted by the Judgment dated 14.01.2018 by the learned Chief Judicial Magistrate, Pudukottai, in S.C.No.115 of 2016 in the following manner. The petitioner was found guilty for the offence punishable under Section 120 (b) of IPC and sentenced to undergo 2 years Rigorous Imprisonment and to pay fine of Rs.1000/- in default to undergo Rigorous Imprisonment for a period of 2 months and also found guilty for the offence under Section 436 of IPC and sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo 2 months Rigorous Imprisonment. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.2 of 2018, before learned Additional District and Sessions Court, Pudukottai, and the same was dismissed by confirming the judgment in S.C.No.115 of 2016, dated 04.01.2018. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that there was no eye-witness to the occurrence; 2 days delay in lodging the FIR; no previous enmity between the parties; The above said facts have not been properly taken into account either by the Trial Court as well as the Appellate Court. Hence, he seeks suspend the sentence imposed upon the petitioner.

3.Heard both sides.

4. Considering the submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

5.Accordingly, the suspension of sentence petition is **allowed** and 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 learned Chief Judicial Magistrate, Pudukottai, 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.

5.The petitioner is exempted from surrendering before the Trial Court for the purpose of furnishing sureties.

sd/-
18/10/2022

/ TRUE COPY /

20/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
GANESHNAGAR POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.PAVEL, Advocate (SR-11637[I] dated 19/10/2022)

ORDER

IN

CRL.MP. (MD) Nos.12421& 12422
of 2022

in

Crl.R.C. (MD) .No.999 of 2022

Date :18/10/2022

DSS

USK/SBN/SAR- /20.10.2022/3P/6C