



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

Tuesday, the First day of November Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13030 of 2022

IN

CRL RC(MD) No.1034 of 2022

VINDUKUMAR

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.144/2012).

... 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 imposed by the Learned Additional District and Sessions Court, Kuzhithurai dt.24.08.2022 in C.A.No.155/2017 and the confirming judgment of conviction and sentence passed by the Learned Judicial Magistrate Court No.II, Kuzhithurai in C.C.No.112 of 2013 dated 08.09.2017 and enlarge the petitioner on bail pending disposal of the main revision.

Prayer in CRL RC(MD).1034/2022 :

To call for records relating to Judgment passed by the Learned Judicial Magistrate No.II Court, Kuzhithurai in C.C.No.112 of 2013 dated 08.09.2017 and the confirming judgment of conviction and sentence passed by the Learned Additional District & Sessions Court, Kuzhithurai dated 24.08.2022 in C.A.No.155 of 2017 and set aside the same and allow this revision petition.

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.DILIP KUMAR N, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Additional District and Sessions Judge, Kuzhithurai, in Crl.A.No.155 of 2017, dated 24.08.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Kuzhithurai in C.C.No.112 of 2013, dated 08.09.2017, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner stated that the petitioner has been convicted by the trial Court for the alleged offence under Section 279 of IPC and sentenced to undergo 3 months simple imprisonment and imposed a fine of Rs.1,000/- in default sentenced to undergo one month simple imprisonment, for the offence under Section 337 IPC and sentenced to undergo 3 months simple imprisonment and imposed a fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for the offence under Section 304 (A) of IPC and sentenced him to undergo two years rigorous imprisonment and imposed a fine of Rs.2,000/- in default to undergo three months simple imprisonment, in C.C.No.112 of 2013 by the learned Judicial Magistrate No.II, Kuzhithurai. The sentences were ordered to run concurrently. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that the fine amount has been paid by the petitioner and he would submit that the vehicle which is involved in the above said occurrence was not seized and sent for Motor Vehicle Inspection. That was not properly considered either by the trial Court or by the appellate Court. He has also pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.RMS.Sethuraman, learned Additional Public Prosecutor appearing for State Government (Crl.side) submitted that there are enough materials available on record against the petitioner 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.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 Judicial Magistrate Court No.II, 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.

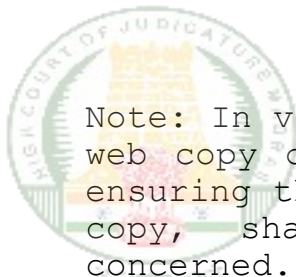
sd/-

01/11/2022

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04/11/2022

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.

WEB COPY

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, KUZHITHURAI.

2 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE, NITHIRAIVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-12293[I] dated
02/11/2022)

ORDER

IN

CRL MP(MD) No.13030 of 2022

IN

CRL RC(MD) No.1034 of 2022

Date :01/11/2022

TM

RS/VR/SAR.(04.11.2022) 3P-7C