



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

Thursday, the Third day of November Two Thousand and Twenty Two

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13161 of 2022
IN
CRL RC(MD) No.1044 of 2022

CHENTHIL

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.565/2006.

... 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 Judgement in CA.No.40/2016 dt.23/8/2022 on the file of Additional District and Sessions Judge, Kuzhithurai confirming the Judgement passed in CC No.205/2007 dt.2/3/2016 on the file of the Judicial Magistrate No.I, Kuzhithurai pending disposal of the criminal revision petition.

Prayer in CRL RC(MD).1044/2022 :

To pass an order to call for the records and set aside the judgment passed in C.A.No.40 of 2016 dated 23.08.2022 on the file of Additional District and Sessions Judge, Kuzhithurai confirming the Judgment passed in C.C.No.205 of 2007 dated 02.03.2016 on the file of the Judicial Magistrate NO.I, Kuzhithurai and allow the Criminal 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.SIVAKUMAR S, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) 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 passed in C.C.No.205 of 2007, dated 02.03.2016, on the file of the Judicial Magistrate No.I, Kuzhithurai and the same was confirmed in Crl.A.No.40 of 2016, dated 23.08.2022, on the file of the Additional District Sessions Judge, Kuzhithurai, 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 offences punishable under Sections 294(b), 447, 427, 325 IPC and sentenced to undergo simple imprisonment for one week, for the offence under Section 294(b) IPC, to pay a fine of Rs.500/- in default to undergo simple imprisonment for one week for the offence under Section 447 IPC, to pay a fine of Rs.500/- in default to undergo simple imprisonment for one week for the offence under Section 427 IPC, to undergo rigorous imprisonment for one year and to pay fine of Rs.1000/-, in default to undergo simple imprisonment for three months for the offence under Section 325 IPC.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.40 of 2016, before the Additional District Sessions Judge, Kuzhithurai. The the Additional District Sessions Judge, Kuzhithurai confirmed the above said conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence.

4.The learned counsel appearing for the revision petitioner submitted that there was a delay of three months in lodging the complaint and further he contended that medical memo was not produced before the Court. On these two grounds, revision is preferred against the conviction.

5.In view of the above, the sentence imposed on the petitioner is suspended, pending disposal of the Criminal Revision Case, with the following conditions:-

- 1.The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Kuzhithurai.
- 2.The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and
- 3.The petitioner shall appear before the trial Court daily at 10.30 a.m until further orders.

sd/-

03/11/2022

/ TRUE COPY /

04/11/2022

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



TO

1 THE ADDITIONAL DISTRICT SESSIONS JUDGE, KUZHITHURAI.

2 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

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

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

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-12342[I] dated 03/11/2022)

ORDER

IN

CRL MP(MD) No.13161 of 2022

IN

CRL RC(MD) No.1044 of 2022

Date :03/11/2022

PNM

RS/SBN/SAR.1(04.11.2022) 3P-7C