



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14395 of 2022

IN

CRL RC(MD) No.1146 of 2022

R.MARIAPPAN

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
KOTTAR TRAFFIC POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of Suspend the sentence imposed by the judgment dt 19.10.2022 passed in C.A.No.128/2018 on the file of the Additional District and Sessions Court (Fast Track), Nagercoil confirming the judgment dt 05.09.2018 in C.C.No.180/2011 on the file of the Judicial Magistrate NO.III, Nagercoil pending disposal of the main CRL.R.C.

Prayer in CRL RC(MD). 1146/ 2022 :

To call for the records and Set-Aside the Judgment dt 19.10.2022 passed in C.A.No.128/2018 on the file of the Additional District and Sessions Court (Fast Track), Nagercoil Confirming the judgment dt 05.09.2018 in C.C.No.180/2011 on the file of the Judicial Magistrate No.III, Nagercoil.

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.MURUGAN.R, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL RC., the court made the following order:-

The petitioner seeks for suspension of the substantive sentence of imprisonment imposed on him in Crl.A.No.128 of 2018, dated 19.10.2022, by the learned Additional District and Sessions Judge (Fast Track Court), Nagercoil confirming the conviction and sentence of imprisonment imposed by the learned Judicial Magistrate, No.III, Nagercoil, in C.C.No.180 of 2011 by the judgment dated 05.09.2018.

2.Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along

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with the instant miscellaneous petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that the revision petitioner has not cross examined the witnesses before the trial Court. Only on the limited ground, this revision has been preferred by the revision petitioner.

4. In view of the above, the sentence imposed on the revision 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.III, Nagercoil.
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/-

23/11/2022

/ TRUE COPY /

25/11/2022

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT), NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE, KOTTAR TRAFFIC POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MURUGAN, Advocate (SR-13540[I] dated 23/11/2022)

ORDER IN

CRL MP(MD) No.14395 of 2022

IN CRL RC(MD) No.1146 of 2022

Date :23/11/2022

PNM

RS/SSS/SAR. (25.11.2022) 2P-7C

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