



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

Friday, the Twenty Fifth day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14580 of 2022
in
CRL.R.C.(MD)No.1160 of 2022

MURUGAN

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.135/2010)

... 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 of Imprisonment imposed by the learned Additional District and Sessions Judge, kuzhithurai by the Judgment dt 17.08.2022 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Kuzhithurai in C.c.No.73/2010 by dated 15.05.2018 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL.R.C.(MD)No.1160 of 2022 :

Pleased to call for the records of the learned Additional District and Sessions Judge, Kuzhithurai in Crl.A.No.78 of 2018 by Judgment dated 17.08.2022, confirming the conviction and sentence of fine imposed by the learned Judicial Magistrate No.II, Kuzhithurai in C.C.No.73 of 2010 by the Judgment dated 15.05.2018 and set aside the Judgments of the courts below and acquit the petitioner.

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.KARUNANITHI M, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Crl.R.C., 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.78 of 2018, dated 17.08.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Kuzhithurai in C.C.No.73 of 2010, dated 15.05.2018, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 294 (b) of IPC and imposed a fine of Rs.1,000/- in default sentenced to undergo one month simple imprisonment, for the offence under Section 325 and sentenced him to undergo 1 year rigorous imprisonment imposed a fine of Rs.9,000/-, in default to undergo one month simple imprisonment, by the learned Judicial Magistrate No.II, Kuzhithurai. The appellate Court has confirmed the conviction and sentence.

3.The learned counsel appearing for the petitioner submitted that the trial Court as well as the appellate Court has not considered the discrepancy of the case in the light of the evidences that has been lodged by the prosecution.

4.Mr.S.Manikandan, learned Government Advocate (Crl. side) 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/-
25/11/2022

/ TRUE COPY /

/12/2022
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.



TO

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 SUB INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-13756[I] dated
25/11/2022)

ORDER
IN
CRL MP(MD) No.14580 of 2022
in
CRL.R.C.(MD)No.1160 of 2022
Date :25/11/2022

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USK/BUC/SAR-III/01.12.2022/3P/7C