



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13721 of 2022
IN
CRL RC(MD) No.1078 of 2022

MUTHUSIVAPERUMAL

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI,
THENI DISTRICT.
(CRIME NO.509/2019)

... 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 on the petitioner by the judgment dt.28.09.2022 passed in C.A.No.11/2022 on the file of the Principal District and Sessions Court, Theni modifying the judgment dt.08.12.2021 passed in CC No.194/2019 on the file of the Additional Mahila Court(Judicial Magistrate Level) Theni and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

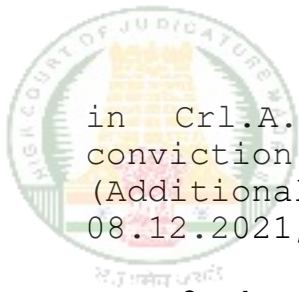
Prayer in CRL RC(MD) . 1078/ 2022 :

To call for the records of the Judgment dt.28.09.2022 passed in C.A.No.11/2022 on the file of the Principal District and Sessions Court, Theni modifying the Judgment dt.08.12.2021 passed in CC No.194/2019 on the file of the Additional Mahila Court (Judicial Magistrate Level), theni 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.PRAGALATHAN.N, Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate(crl.side) on behalf of the Respondent, While admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Principal District and Sessions Judge, Theni,

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



in Crl.A.No.11 of 2022, dated 28.09.2022, in modify the conviction and sentence imposed by the learned Judicial Magistrate (Additional Mahila Court), Theni, in C.C.No.194 of 2019, dated 08.12.2021, 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 323 IPC and sentenced to undergo one month simple imprisonment and imposed a fine of Rs.1,000/- in default sentenced to undergo one week simple imprisonment, for the offence 506(i) of IPC sentenced to undergo one month simple imprisonment and imposed a fine of Rs.2,000/- in default to undergo one week simple imprisonment and for the offence under Section 4 of Tamilnadu Prohibition of Woman Harassment Act, sentenced to undergo twelve months simple imprisonment and imposed a fine of Rs.10,000/- in default sentenced to undergo two weeks simple imprisonment in C.C.No.194 of 2019 by the learned Judicial Magistrate (Additional Mahila Court), Theni. The trial Court directed to run the sentence concurrently. Set off under Section 428 Cr.P.C. was also ordered. The learned Principal District and Sessions Judge, Theni, acquitted the accused from the offences punishable under Sections 323 and 506 (i) and modified the sentence into six months simple imprisonment for the offence punishable under Section 4 of Tamilnadu Prohibition of Woman Harassment Act and confirmed the fine amount in Crl.A.No.11 of 2022.

3.The learned counsel appearing for the petitioner submitted that even as per the evidence of PW1 on the date of occurrence itself she lodged the complaint. But as per Ex.P4, it was received on the next day of occurrence. The above said complaint was marked as Ex.P1 through PW4. The above said fact was not considered by the trial Court as well as by the appellate Court. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.S.Manikandan, learned Government Advocate 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, (Additional Mahila Court), Theni and on further condition that the petitioner shall



appear before the concerned Court once in a week i.e., on 1st working day of every week at 10.30 a.m. pending revision.

sd/-

11/11/2022

/ TRUE COPY /

WEB COPY

15/11/2022

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.

TO

- 1 THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
THENI.
- 2 THE JUDICIAL MAGISTRATE,
(ADDITIONAL MAHILA COURT), THENI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.PRAGALATHAN N Advocate SR.No.12883

ORDER IN

CRL MP(MD) No.13721 of 2022
IN
CRL RC(MD) No.1078 of 2022
Date :11/11/2022

TM

SA/TR/SAR.4/15.11.2022/3P/7C