



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

Monday, the Fourteenth day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13850 of 2022
IN
CRL RC(MD) No.1082 of 2022

1 AJIL KUMAR

2 RAJA KUMAR

... PETITIONERS/PETITIONERS/
APPELLANTS/ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
CR.NO.227/2015

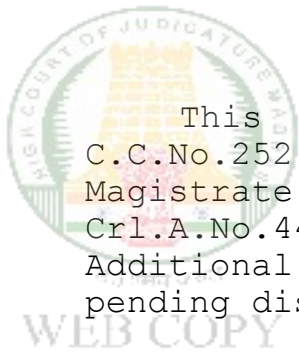
... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

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 petitioners and enlarge the petitioners on bail in view of the judgment made in C.A.No.44/2016 dt 13.10.2022 on the file of the Additional Sessions Judge, Kuzhithurai Kannyakumari District preferred against the judgment made in C.C.No.252 of 2015 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District dated 13.04.2016 in the interest of justice.

Prayer in CRL RC(MD) . 1082/ 2022 :

To call for the records and set aside the Judgment made in C.A.No.44/2016 dt 13.10.2022 on the file of the Additional Sessions judge Kuzhithurai, Kanyakumari District whereby confirming the judgment made in C.C.No.252/2015 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District dated 13.04.2016 in the interest of justice.

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.MUTHU SARAVANAN C, Advocate for the petitioners and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



This petition is filed to suspend the sentence passed in C.C.No.252 of 2015, dated 13.04.2016, on the file of the Judicial Magistrate No.I, Kuzhithurai and the same was confirmed in Crl.A.No.44 of 2016, dated 13.10.2022, on the file of the Additional Sessions Judge, Kuzhithurai, Kanyakumari District, pending disposal of the Criminal Revision.

2.Challenging the above said conviction and sentence, the petitioners have preferred this revision. They have raised substantial grounds in the revision. He would submit that the second petitioner is suffering from Primary Progressive Multiple Sclerosis disease and unable to move out of the house. He would further submit that the medical evidence is not tallied with the evidence of injured. On this limited ground, this revision is admitted. Since the revision will not be taken up immediately, it will be in the interest of justice, the sentence can be suspended and the accused can be ordered to be released on bail. Accordingly, the substantive sentence imposed upon the petitioners in Crl.A.No.44 of 2016, dated 13.10.2022, by the Additional Sessions Judge, Kuzhithurai, Kanyakumari District, is suspended and the accused are directed to be released on bail on the following conditions:-

- 1.The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, Kanyakumari District.**
- 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 first petitioner shall appear before the trial Court daily at 10.30 a.m until further orders.

sd/-

14/11/2022

**(*)AMENDED AS PER ORDER OF THE COURT
DATED 28.11.2022 IN CRL MP(MD)
NO.14675 OF 202 IN CRL MP(MD)NO.13850
IN CRL RC(MD)NO.1082 OF 2022**

/ TRUE COPY /

/12/2022

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



TO

TO BE SUBSTITUTED WITH THE ORDER DATED
DESPATCHED

14/11/2022 ALREADY

1 THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI.

2 THE JUDICIAL MAGISTRATE No.I,
KUZHITHURAI,
KANYAKUMARI DISTRICT.3 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.5 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.MUTHU SARAVANAN C Advocate SR.No.13947

ORDER**IN**CRL MP(MD) No.13850 of 2022
IN

CRL RC(MD) No.1082 of 2022

Date :14/11/2022

SA/TR/SAR.4/15.11.2022/3P/8C

RK/SSS/SAR-4 (07.12.2022) 3P/8C