



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

Tuesday, the Twenty Second day of November Two Thousand and
Twenty Two
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14349 of 2022
IN
CRL RC(MD) No.1141 of 2022

SARAVANAN

... REVISION PETITIONER/
APPELLANT/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
JAMPUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO.46 OF 2018.

... 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 CC.No.199/2018 in Cr.No.46 of 2018 on the file of the Responent, dated 19.08.2021 wherein the same was confirmed in Crl.A.No.49/2021 dt.13.10.2022 on the file of the 3rd Additional District and Sessions Judge, Trichy.

Prayer in CRL RC(MD) . 1141/ 2022 :

To call for the records from that the Learned Appellate Courts and set aside the judgment passed by the Learned III Additional District and Sessions Judge, Trichy in Crl.A.No.49/2021 dtated on 13.10.2022 wherein confirmed the Judgment passed by the Judicial Magistrate, Thuraiyur in C.C.No.199 of 2018 in Crime No.46 of 2018 on the file of the respondent, dated on 19.08.2021 and convicted for the offences under section under 324 of IPC and sentenced to undergo simple imprisonment for 3 months and to pay a fine of Rs.1,000/- in default to pay the fine amount to undergo for a period of one month simple imprisonment by allowing this Revision.

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.JINNAH S.M.A., 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 III Additional District and Sessions Judge,

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



Tiruchirappalli, in Crl.A.No.49 of 2021, dated 13.10.2021, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Thuraiyur, in C.C.No.199 of 2018, dated 19.08.2021, 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 324 of IPC and sentenced him to undergo 3 months simple imprisonment and imposed a fine of Rs.1,000/- in default sentenced to undergo one month simple imprisonment, in C.C.No.199 of 2018 by the learned Judicial Magistrate, Thuraiyur. The III learned Additional District and Sessions Judge, Tiruchirappalli, confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that there is civil dispute between the parties, over which the above said false complaint has been preferred and the trial Court as well as the appellate Court have not considered the same. 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 Court, Thuraiyur, 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/-

22/11/2022

/ TRUE COPY /

24/11/2022

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

TO

1 THE 3rd ADDITIONAL DISTRICT & SESSIONS JUDGE,

<https://www.mhcn.org.in/judis>



2 THE JUDICIAL MAGISTRATE,
THURAIYUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE
JAMPUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.

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

ORDER IN

CRL MP (MD) No.14349 of 2022
IN

CRL RC (MD) No.1141 of 2022

Date :22/11/2022

TM

SA/SSS/SAR. /24.11.2022/3P/6C