



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14000 of 2022

IN

CRL RC(MD) No.1102 of 2022

1 TITUS

2 KENNEDY

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

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT AT NAGERCOIL.

... 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 as imposed of the judgment dt.12.10.2022 made in CA.No.24/2019 by the Honble Learned Additional District and Sessions Judge, Pamanabhapuram, Kanyakumari District confirming to the order of sentence as made in CC.No.709/2018 dt.1.2.2019 by the Learned Judicial Magistrate No.2, Padmanabhapuram, Kanyakumari District, pending disposal of the above Criminal Revision Petition.

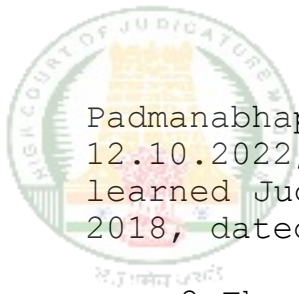
Prayer in CRL RC(MD) . 1102/ 2022 :

To call for the records in connection with CA.No.24/2019 dt.12.10.2022 on the file of the Learned Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District confirming the order or conviction and sentence as made in CC.No.709/2018 dt.1.2.2019 on the file of the Learned Judicial Magistrate No.2, Padmanabhapuram, Kanyakumari District and set aside the same as illegal and devoid of merits forthwith.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.PALANI VELAYUTHAM S, Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate(crl.side) on behalf of the Respondent, While admitting the CRL.A., 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,

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



Padmanabhapuram, Kanyakumari District, in Crl.A.No.24 of 2012 dated 12.10.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Padmanabhapuram, in C.C.No.709 of 2018, dated 01.02.2019, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court and sentenced as follows:

The first accused/first petitioner was convicted for the offence under Section 326 of IPC and sentenced to undergo one year simple imprisonment and imposed a fine of Rs.1,000/- in default to undergo six months simple imprisonment and the second accused/second petitioner was convicted for the offence under Section 325 of IPC and sentenced to undergo one year simple imprisonment and imposed a fine of Rs.1,000/- in default to undergo six months simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioners submitted that even as per the case of the prosecution the place of occurrence has been changed. 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 petitioners and hence he strongly opposed to grant suspension of sentence.

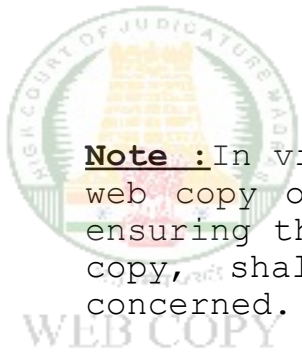
5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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 petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Padmanabhapuram and on further condition that the petitioners 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/-
16/11/2022

/ TRUE COPY /

18/11/2022
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 ADDITIONAL DISTRICT & SESSIONS JUDGE,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.PALANI VELAYUTHAM S Advocate SR.No.13132

ORDER

IN

CRL MP (MD) No.14000 of 2022
IN

CRL RC (MD) No.1102 of 2022

Date :16/11/2022

TM

SA/VR/SAR. /18.11.2022/3P/7C