



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14241 of 2022

IN

CRL RC(MD)No.1129 of 2022

MUTHUKUTTI @ MUTHUKRISHNAN

... PETITIONER/PETITIONER

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
CR.NO.9/2009

... 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 learned 3rd Additional District and Sessions Court Tirunelveli in Crl.A.No.3/2022 by the Judgment dated 12.08.2022 by confirming the conviction and sentence imposed by the Learned Judicial Magistrate Court, Vallioor in CC.No. 622 of 2009 by the Judgment dated 22.12.2021, and enlarged the petitioner on bail pending disposal of this Criminal Revision.

Prayer in CRL RC(MD) . 1129/ 2022 :

To call for the records and Set aside the conviction imposed by the learned 3rd Addl.Dist.and Sessions Court Tirunelveli in Crl.A.No.3/2022 by the judgment dt 12.08.2022 by confirming the conviction and sentence imposed by the Judicial Magistrate Court, Vallioor in CC.No. 622 of 2009 by the Judgment dated 22.12.2021

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.PON KARTHIKEYAN R, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Revision, the court made the following order:-



This petition is filed to suspend the sentence and conviction passed in C.C.No.622 of 2009, dated 22.12.2021 on the file of the Judicial Magistrate Court, Vallioor, the same was confirmed in Crl.A.No.3 of 2022, dated 12.08.2022 on the file of the learned third Additional District and Sessions Court, Tirunelveli, 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 498(A) IPC and sentenced him to undergo simple imprisonment for a period of six months and the petitioner was imposed to pay a fine of Rs.5000/- in default to undergo one month simple imprisonment, for the offence under Section 4 of Dowry Prohibition Act and sentenced him to undergo simple imprisonment for a period of six months and he was imposed to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment in C.C.No.622 of 2009 on the file of the learned Judicial Magistrate Court Vallioor, and the same was confirmed by learned Third Additional District and Sessions Court, Tirunelveli, in Crl.A.No.3 of 2022, dated 12.08.2022.

3. He would further submit that during the course of trial, some of the witnesses turned hostile and the defacto complainant also died and also submitted that that there is a contradiction in the evidence of P.W.9 and P.W.10.

4. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute 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, Vallioor, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-

21/11/2022

/ TRUE COPY /

/ /2022

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIOOR.

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



- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NANGUNERI,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-13348[I] dated
21/11/2022)

ORDER
IN
CRL MP(MD) No.14241 of 2022
IN
CRL RC(MD)No.1129 of 2022
Date :21/11/2022

tta

PKP/VR/SAR-2/28.11.2022/3P/7C