



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

Friday, the Second day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.15109 of 2022
in CRL.R.C.(MD)No.1213 of 2022

GOBI @ GOBINATH

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKOTTAI,
CRIME NO.21 OF 2012.

... RESPONDENT/RESPONDENT

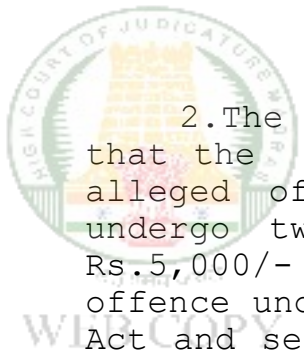
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the Petitioner by the Learned III Additional District and Sessions Judge, Thanjavur at Pattukottai in Cr.A.No.30 of 2022 dt.20.10.2022 by confirming the order passed in CC.No.357 of 2017 on the file of the Learned Judicial Magistrate, Pattukottai dated 29.03.2022 pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1213/ 2022 :

To call for the records pertaining to the order conviction in Crl.A.No.30 of 2022 dated 20.10.2022 passed by the Learned III Additional District and Sessiond Judge, Thanjavur at Pattukottai in confirming the order passed by the Learned Judicial Magistrate , Pattukottai.

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.MAHENDRAN K, Advocate for the petitioner and of M/S.RMS. SETHURAMAN, Additional Public Prosecutor 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 & Sessions Judge, Thanjavur @ Pattukottai, in Crl.A.No.30 of 2022, dated 20.10.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Pattukottai, in C.C.No.357 of 2017, dated 29.03.2022, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner stated that the petitioner has been convicted by the trial Court for the alleged offence under Section 498(A) IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- in default 3 months simple imprisonment and for the offence under Section 4 of Tamilnadu Prohibition of Woman Harassment Act and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default 3 months simple imprisonment. The sentence was ordered to run concurrently and set off under Section 428 Cr.P.C. was also ordered. The appellate court has confirmed the conviction and sentence.

3.The learned counsel appearing for the petitioner submitted that on the very same set of facts, the mother of this revision petitioner was acquitted by the trial Court in C.C.No.764 of 2014, dated 09.12.2018. At that time, the case against this petitioner was split up and later that was tried separately, in which, he was convicted. Against which he preferred appeal, that was also confirmed. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.RMS.Sethuraman, learned Additional Public Prosecutor 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, Pattukottai 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/-

02/12/2022

/ TRUE COPY /

/12/2022

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

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TO

1.THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR AT PATTUKOTTAI

2.THE JUDICIAL MAGISTRATE COURT, PATTUKOTTAI

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR

4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKOTTAI.

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

+2 CC to M/s.K.MAHENDRAN, Advocate (SR-14278,14279[I] dated
02/12/2022)

ORDER
IN
CRL.M.P.(MD)No.15109 of 2022
in CRL.R.C.(MD)No.1213 of 2022
Date :02/12/2022

RK/BUC/SAR-2 (06/12/2022) 3P/8C