



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

Wednesday, the Twenty First day of December Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15798 of 2022
IN
CRL RC(MD) No.1257 of 2022

M.KASIRAJAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

... 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 upon the Petitioner in CA.No.19 of 2019 dt.14.10.2022 on the file of Learned Additional Sessions Judge, Kuzhithurai confirming the conviction and sentence passed by the Learned Assistant Sessions Court, Kuzhithurai in S.C.No.14/2013 dated 17-12-2018 pending disposal of above Criminal Revision Petition.

Prayer in CRL RC(MD) . 1257/ 2022 :

To call for the records relating to the order passed by the Learned Additional Sessions Judge, Kuzhithurai in CA.No.19 of 2019 dt.14.10.2022 confirming the conviction and sentence passed by the Learned Assistant Sessions Court, Kuzhithurai in S.C.No.14/2013 dated 17-12-2018 and set aside the same and allow this Revision Petition.

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.UDAYAKUMAR K.K., Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, 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 and conviction passed in S.C.No.14 of 2013, dated 17.12.2018 on the file of the

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



learned Assistant Sessions Court, Kuzhithurai and the as confirmed in C.A.No.19 of 2019, dated 14.10.2022 on the file of the learned Additional Sessions Judge, Kuzhithurai, 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 326 of Indian Penal Code, 1860 and the petitioner sentenced to undergo three years of rigorous imprisonment and to pay fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo simple imprisonment for three months in S.C.No.14 of 2013 on the file of the learned Assistant Sessions Court, Kuzhithurai and the same was confirmed by learned Additional Sessions Judge, Kuzhithurai, in C.A.No.19 of 2019, dated 14.10.2022.

3.The learned counsel for the revision petitioner submitted that even though there is an observation made in the judgment that investigation was not conducted in a fair and proper manner, but ultimately, he was convicted by the trial Court and the same was confirmed by the appellate Court.

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 learned Judicial Magistrate, Kuzhithurai, 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/-

21/12/2022

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/01/2023

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

TTA

TO

1 THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI.

2 THE ASSISTANT SESSIONS JUDGE,
KUZHITHURAI.

3 THE JUDICIAL MAGISTRATE,

<https://www.mhcn.org/> KUZHITHURAI.



4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

5 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 cc to M/s.K.K.UDAYA KUMAR, Advocate, SR.No.15519

ORDER

IN

CRL MP (MD) No.15798 of 2022
IN

CRL RC (MD) No.1257 of 2022

Date :21/12/2022

SA/MMS/SAR.4/04.01.2023/3P/8C