



CRL MP(MD) No.14940 of 2023

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

Friday, the Twentieth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.14940 of 2023

in

CRL RC(MD) No.1173 of 2023

1 NADARAJAN

2 KANTHIMATHI

3 SUBBU @ SUBBULAKSHMI

4 VEMBU

... Petitioners / Petitioners

Vs

STATE REP BY

THE DEPUTY SUPERINTENDENT OF POLICE,

AMBASAMUDRAM POLICE STATION,

TIRUNELVELI DISTRICT.

(CRIME NO.189 OF 2012)

... Respondent / Respondent

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioners on bail by Suspending the sentence imposed upon them in C.c.No.1358 of 2019 on the Learned Judicial Magistrate No.I, Tirunelveli dated 14.03.2020 which had been confirmed in Criminal Appeal no.18/2020 on the file of the Learned Principal Sessions Judge, Tirunelveli dated 14.06.2022, pending disposal of the Main Criminal Revision.

Prayer in CRL RC(MD). 1173/ 2023 :

To call for records and Set Aside the conviction and sentence imposed upon the petitioners vide Judgment dated 14.03.2020 passed in C.C.No.1358/2019 on the file



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of Learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District, which had been confirmed in Crl.A.No.18 of 2020 on the file of the Learned Principal Sessions Judge, Tirunelveli, Tirunelveli District vide judgment dated 14.06.2022.

Order : This criminal miscellenaous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SURESH KANNAN.C, Advocate for the petitioners and of Mr.K.SANJAY GANDHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate No.1, Tirunelveli, in C.C.No.1358 of 2019, dated 14.03.2020, which was confirmed in Criminal Appeal No.18 of 2020, dated 14.06.2022 by the learned Principal Sessions Judge, Tirunelveli, enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the learned Judicial Magistrate No.1, Tirunelveli in C.C.No.1358 of 2019 as follows :

Particulars for A1

S.No.	Offence	Sentence
1.	Section 323 IPC	3 months simple imprisonment
2.	Section 324 IPC	6 months simple imprisonment
3.	Section 506(1) IPC	3 months simple imprisonment



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Particulars for A2

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S.No.	Offence	Sentence
1.	Section 324 r/w 34 IPC	6 months simple imprisonment
2.	Section 506(1) IPC	3 months simple imprisonment

Particulars for A3 and A4

S.No.	Offence	Sentence
1.	Section 323 IPC	3 months simple imprisonment
2.	Section 506(1) IPC	3 months simple imprisonment

3. The learned Principal Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.18 of 2020, dated 14.06.2022. Challenging the same, the Criminal Revision Case has been filed before this Court along with these miscellaneous petition.

4. It is submitted by the learned counsel appearing for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he opposed to grant suspension of sentence.



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

7. The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioners are directed to be enlarged on bail on condition that the petitioners shall execute 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 learned Judicial Magistrate No.1, Tirunelveli.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their



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identity; and

(iii) The petitioners shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
20/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

- 1.The Principal Sessions Judge,
Tirunelveli.
- 2.The Judicial Magistrate No.I,
Tirunelveli.
- 3.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 4.The Deputy Superintendent of Police,
Ambasamudram Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Copy to:

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The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai. (Call for Records)

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-15499[I] dated 20/10/2023)

ORDER
IN
CRL MP(MD) No.14940 of 2023
in
CRL RC(MD) No.1173 of 2023
Date :20/10/2023

ED/VRS /SAR- (30/10/2023) 6P / 8C

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