



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

Monday, the Thirtieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.1418 of 2023
in
CRL.R.C. (MD) No.103 of 2023

KAVIYARASU

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT

... 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 passed by the learned Principal District and Sessions Judge, Karur in Crl.A.No.9 of 2021 dated on 13.10.2022, which confirming the judgment of conviction and sentence passed by Additional Mahila Court(Magisterial Level), Karur in C.C.No. 53 of 2020 dated 31.03.2021 and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL RC(MD). 103/ 2023 :

To call for the records pertaining to the impugned judgment of conviction and sentence passed by the learned Principal District and Sessions Judge, Karur in Crl.A.No.9 of 2021 dated on 13.10.2022 which confirming the judgment of conviction and sentence passed by the Learned Additional Mahila Court(Magisterial level), Karur in C.C.No. 53 of 2020 dated 31.03.2021 and set aside the same.

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.KARUPPASAMY PANDIAN.G, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Principal District and Sessions Judge, Karur, in Crl.A.No.9 of 2021, dated 13.10.2022, which confirming the



Mahila Court (Magisterial Level), Karur in C.C.No.53 of 2021 dated 31.03.2021, 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 341 of IPC and sentenced to pay a fine of Rs.500/- in default to undergo simple imprisonment for one month and for the offence punishable under Section 294(b) of IPC and sentenced to pay a fine of Rs.500/- in default to undergo simple imprisonment for one month and for the offence punishable under Section 4 of the Tamil Nadu Prohibition of Harrasment of Woman Act, 1998 (amended by the T.N.P.H.W.(amendment) Act 39 of 2002 sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for three months. The appellate Court has confirmed the conviction and sentence.

3.The learned counsel appearing for the petitioner submitted that even though it is a case of love affair, that was not taken into account either by the trial Court or by the appellate Court and he also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.M.Sakthi Kumar, learned Government Advocate appearing for the 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, Additional Mahila Court, Karur 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.

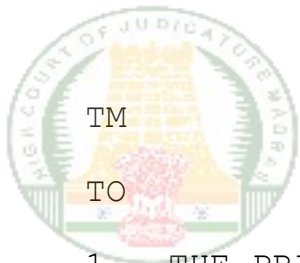
sd/-

30/01/2023

/ TRUE COPY /

/02/2023

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



WEB COPY

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KARUR.
- 2 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT
KARUR.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 4 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER, (CALL FOR RECORDS)
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL.M.P. (MD) No.1418 of 2023
in
CRL.R.C. (MD) No.103 of 2023
Date :30/01/2023

PKP/BUC/SAR-4/01.02.2023/3P/7C