



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

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2042 of 2023
in
CRL RC(MD) No.145 of 2023

1 S.RAMASAMY
2 SARASWATHI

... PETITIONERS/PETITIONERS

Vs

State Rep.by
THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION,
PUDUKOTTAI DISTRICT.
CR. NO. 167/2004

... 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 passed in Criminal Appeal in C.A No. 51 of 2017 by its Judgment dated 29.09.2022 on the file of the Additional District and Sessions Court, Pudukkottai confirming the Conviction and sentence passed by Judicial Magistrate, Thirumayam by its judgment dated 25.10.2017 in C.C.No.199 of 2007 pending disposal of this revision.

Prayer in CRL RC(MD). 145/ 2023 :

To call for the records pertaining to the order dated 29.09.2022 in Crl A No. 51/2017 on the file of the Additional District and Sessions Judge, Pudukkottai confirming the conviction and sentence imposed by the Honble Judicial Magistrate, Thirumayam by its judgment dated 25.10.2017 in C.C.No.199/2007 and set aside the same and consequently acquit the petitioners from all charges by allowing this Criminal 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.BAALASUNDHARAM.K, Advocate for the petitioners 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 imposed by the Court of the learned Additional District and Sessions Judge, Pudukkottai, in Crl.A.No.51 of 2017 dated 29.09.2022, in confirming



the conviction and sentence imposed by the learned Magistrate, Thirumayam in C.C.No.199 of 2007, dated 25.10.2017, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court for the alleged offence under Section 406 of IPC and sentenced them to undergo one year simple imprisonment each and for the offences under Section 420 of IPC and sentenced them to undergo one year simple imprisonment and also to pay fine of Rs.5,000/- each in default to undergo three months simple imprisonment. Set of also ordered under Section 428 of Cr.P.C. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that subsequent to the filing of the insolvency proceedings only, the above said complaint was filed. Even before the insolvency proceedings, the defacto complainant and other victims are parties. The above said insolvency proceedings was dismissed. Against which, Civil Miscellaneous Appeal has been preferred and and the same was dismissed. Against which a revision has been preferred before this Court and pending. In the meantime, the above said judgment of conviction has been rendered and he also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.M.Sakthikumar, learned Government Advocate (Crl. side) 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, Thirumayam 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/-

06/02/2023

/ TRUE COPY /

/02/2023

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE, THIRUMAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION, PUDUKOTTAI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.2042 of 2023
in
CRL RC(MD) No.145 of 2023
Date :06/02/2023

RS/SAR.2(14.02.2023) 3P-6C