



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

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

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PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.2530 of 2023
in
CRL RC(MD)NO.184 OF 2023

G.MURUGAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP.BY
THE SUB INSPECTOR OF FACTORIES 6,
3RD CIRCLE, SIVAKASI,
VIRUDHUNAGAR DISTRICT

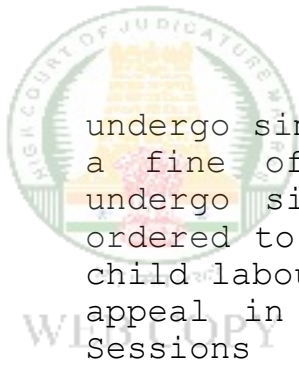
... RESPONDENT/ RESPONDENT

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 on the petitioner by the judgment passed in C.A.No.139 of 2017 dated 22.11.2019 on the file of Principal District Sessions Court, Virudhunagar District Camp at Srivilliputhur by confirming the judgment passed in C.C.No.11 of 2006 dated 09/10/2017 on the file of Chief Judicial Magistrate Court, Virudhunagar District camp at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above criminal revision petition and thus render justice

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.SUDALAIYANDI.K, Advocate for the petitioner and of R.SURESH KUMAR Government Advocate(Criminal Side) on behalf of the Respondent the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.11 of 2006, dated 09.10.2017 on the file of the Chief Judicial Magistrate Court, Virudhunagar District camp at Srivilliputhur, confirmed in C.A.No.139 of 2017, dated 22.11.2019 on the file of the learned Principle District Sessions Court, Virudhunagar District Camp at Srivilliputhur, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the alleged offence under Section 67 of Factories Act r/w Section 14(1) r/w Section 15 of Child Labour (Prohibition and Regulation) Act, 1986 and sentenced to



undergo simple imprisonment for a period of 3 months and also to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo simple imprisonment for a period of one month and also ordered to deposit a sum of Rs.20,000/- in favour of the above said child labour. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.139 of 2017, before the Principle District and Sessions Court, Virudhunagar District Camp at Srivilliputhur by confirming the judgment in C.C.No.11 of 2006 dated 09.10.2017. Hence, the petitioner seeks suspension of sentence.

3.The learned counsel appearing for the petitioner would submit that the above said conviction has been rendered only on the ground that this revision petitioner did not prove that the above said child was not his employee and the trial Court failed to note that the medical records, which was relied upon by the petitioner prevailed that at the time of inspection, the above said boy was not an employee.

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 Chief Judicial Magistrate Court, Virudhunagar Camp at Srivilliputhur, 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/-
13/02/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.



2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF FACTORIES 6,
3RD CIRCLE, SIVAKASI,
VIRUDHUNAGAR
DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.SUDALAIYANDI.K Advocate SR.No.2219

ORDER
IN
CRL MP(MD) No.2530 of 2023
Date :13/02/2023

MGJ/BUC/SAR I/02/03/2023/3P/6C