



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.ILANGO VAN

CRL.M.P.(MD)No.2485 of 2023

in

CrI.R.C.(MD).No.176 of 2023

1 T.JEGAN

2 T.SIVA @ JEYAKUMAR

... PETITIONERS/ACCUSED NO.4&5

Vs

THE STATE REP.BY,
INSPECTOR OF POLICE
THUCKALAI POLICE STATION,
KANYAKUMARI 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 Additional District and Sessions Judge, Padmanabhapuram in CrI.A.No.176 of 2005 dated on 27.10.2022 which confirming the judgment of conviction and sentence passed by the learned judicial magistrate Court, Padmanabhapuram in C.C.No.331 of 2001 dated 26.05.2005 and enlarge the Petitioner on bail pending disposal of the above appeal.

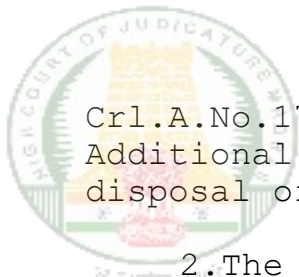
Prayer in CrI.R.C.(MD).No.176 of 2023:

To call for the records pertaining to the impugned judgment of conviction and sentence passed by the Learned Additional District and Sessions Judge, Padmanabhapuram in CRL A No.176 of 2005 dated on 27.10.2022 which confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate Court, Padmanabhapuram in C.C.No.331 of 2001 dated 26.05.2005 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 PANDIYAN.G, Advocate for the petitioner and of M/S.M.SAKTHI KUMAR, Government Advocate(CrI.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 passed in C.C.No.331 of 2001, dated 26.05.2005 on the file of the Judicial Magistrate Court, Padmanabhapuram and the same was confirmed in

<https://www.mca.gov.in>



Crl.A.No.176 of 2005, dated 27.10.2022 on the file of the Additional District and Sessions Judge, Padmanabhapuram, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioners submitted that the petitioners were convicted for the alleged offence under Section 147 IPC and sentenced them to undergo simple imprisonment for a period of 6 months, for the offence under Section 452 and sentenced them to undergo 6 months simple imprisonment and to pay a fine of Rs.200/- in default to undergo one week of simple imprisonment, for the offences under Section 352 and sentenced them to undergo three months simple imprisonment and for the offences under Section 506(II) IPC and sentenced to undergo simple imprisonment for a period of three months. Aggrieved by the same, the petitioner has preferred an appeal in Crl.A.No.176 of 2005, before the Additional District and Sessions Judge, Padmanabhapuram and the same was dismissed by confirming the judgment in C.C.No.331 of 2001 dated 26.05.2005. Hence, the petitioners seek suspension of sentence.

3.The learned counsel appearing for the petitioners would submit that there is no injury caused by these petitioners and even as per the evidence of P.W.1, the presence of the fifth accused/second petitioner was not spoken and the same was not considered either by the trial Court or the appellate Court.

4.In view of the above submission made by the learned counsel for the petitioners, this Court is inclined to suspend the sentence imposed upon the petitioners.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and 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 Judicial Magistrate Court, Padmanabhapuram, and on further condition that the petitioners 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

/ TRUE COPY /

/03/2023

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

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TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PADMANABHAPURAM

2.THE JUDICIAL MAGISTRATE COURT, PADMANABHAPURAM,

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL

4.THE INSPECTOR OF POLICE
THUCKALAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.KARUPPASAMY PANDIYAN.G Advocate SR.No.2205

ORDER
IN
CRL.M.P. (MD) No.2485 of 2023
in
Cr1.R.C. (MD) .No.176 of 2023
Date :13/02/2023

RK/BUC/SAR-1 (02/03/2023) 3P/7C