



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

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL.M.P. (MD)No.2440 of 2023
in
CRL.R.C. (MD)No.173 of 2023

1 RAJKUMAR
2 VIGNESH

... PETITIONERS/PETITIONERS

Vs

STATE REP. BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.188 OF 2012)

... RESPONDENT/RESPONDENT

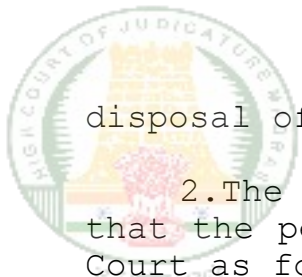
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed the order passed by the Principal Sessions Judge, Tirunelveli in Crl.A.No.17 of 2020 dated 14.06.2022 in confirming the conviction and sentence imposed by the Judicial Magistrate No.I, Tirunelveli in CC.No.1366 of 2019.

PRAYER IN CRL.R.C. (MD)No.173 of 2023:-

To call for the records and set aside the order passed by the Principal Sessions Judge, Tirunelveli in Crl.A.No.17 of 2020 dated 14.06.2022 in confirming the conviction and sentence imposed by the Judicial Magistrate No.I, Tirunelveli in CC.No.1366 OF 2019 dated 14.03.2020.

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.SARAVANAKUMAR.C, Advocate for the petitioner and of M/S.SAKTHI KUMAR, Government Advocate (Crl. 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 Sessions Judge, Tirunelveli, in Crl.A.No.17 of 2020, dated 14.06.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Tirunelveli, in C.C.No.1366 of 2019 dated 14.03.2020, pending



disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioners submitted that the petitioners have been convicted and sentenced by the trial Court as follows:

- 1) Accused No.1/1st petitioner was sentenced to undergo three months simple imprisonment for the offence under Section 323 IPC, six months simple imprisonment for the offence under Section 506(ii) IPC. The sentences were ordered to run concurrently.
- 2) Accused No.3/2nd petitioner was sentenced to undergo three months simple imprisonment for the offence under Section 323 IPC, six months simple imprisonment for the offence under Section 506(ii) IPC. The sentences were ordered to run concurrently.

3.The learned counsel appearing for the petitioners submitted that it is a case in counter case. Simultaneous trial cannot be go on. Investigation has not been properly undertaken by following the procedure. Weapons alleged to have been used by the accused persons has also not been seized by the respondent police 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 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 Court No.1, Tirunelveli, 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/-

14/02/2023

/ TRUE COPY /

/02/2023

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



TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.2440 of 2023
IN
CRL RC (MD) No.173 of 2023
Date :14/02/2023

NA/VS/SAR-2/21.02.2023/3P/7C