



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

Wednesday, the Twenty Second day of February Two Thousand and  
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2987 of 2023

IN

CRL RC(MD) No.209 of 2023

C.K.MAHENDRAKUMAR @ KARUPPAN

... PETITIONER/PETITIONER/  
2ND ACCUSED

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE  
MARTHANDAM POLICE STATION,  
KANYAKUMARI DISTRICT.

... RESPONDENT/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 imposed upon the Petitioner in CA.No.19 of 2019 dt.14.10.2022 on the file of Learned Additional Sessions Judge, Kuzhithurai confirming the conviction and sentence passed by the Learned Assistant Sessions Court, Kuzhithurai.

PRAYER IN CRL RC(MD) No.209 of 2023:-

To call for the records relating to the order passed by the Learned Additional Sessions Judge, Kuzhithurai in CA.No.19 of 2019 dt.14.10.2022 confirming the conviction and sentence passed by the Learned Assistant Sessions Court, Kuzhithurai.

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.UDAYAKUMAR K.K., Advocate for the petitioner and of M/S.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent while admitting the CRL RC(MD) the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Assistant Sessions Judge, Kuzhithurai, in S.C.No.14 of 2013, dated 17.12.2018, which was confirmed by the learned Additional Sessions Judge, Kuzhithurai, in Crl.A.No.19 of 2019 dt.14.10.2022, 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 326 IPC and sentenced him to undergo three years rigorous imprisonment and to pay fine of Rs.5,000/- in default to undergo three months simple imprisonment. The above said conviction and sentenced has been confirmed by the appellate Court.

3.The learned counsel appearing for the petitioner submitted that according to PW1, PW6 and the charge sheet, there are three different place of occurrence and the trial Court as well as the appellate Court has not taken into account the same. 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 Assistant Sessions Judge, Kuzhithurai, 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/-  
22/02/2023

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/03/2023

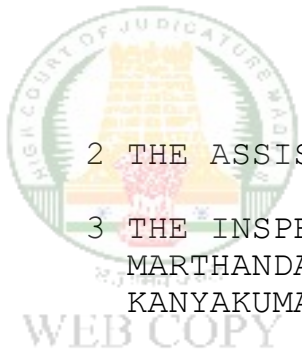
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TM

TO

1 THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI.

<https://www.mhc.tn.gov.in/judis>



2 THE ASSISTANT SESSIONS JUDGE, KUZHITHURAI.

3 THE INSPECTOR OF POLICE  
MARTHANDAM POLICE STATION,  
KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.UDAYAKUMAR K.K. Advocate SR.No.2793(I)

ORDER  
IN  
CRL MP (MD) No.2987 of 2023  
IN  
CRL RC (MD) No.209 of 2023  
Date :22/02/2023

NA/MMS/SAR-2/01.03.2023/3P/6C