



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

Monday, the Ninth day of March Two Thousand and Twenty Six

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2295 of 2023
in
CRL RC (MD) No.160 of 2023

TITUS ... Petitioner / Revision Petitioner

Vs

THE SUB INSPECTOR OF POLICE
ARUKANI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.22 of 2011).

... 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 CA no.80/2016 on the file of the Additional Sessions Judge, Kuzhithurai, Kanyakumari District dt.16/12/2022 confirming the Judgement dt.16/11/2016 passed in CC no.157/2012 on the file of the Judicial Magistrate No.I, Kuzhithurai pending disposal of this Criminal Revision Petition.

Prayer in CRL RC(MD). 160/ 2023 :

C-45R.To call for the records pertaining to the Impugned the Judgement dt.14/12/2022 passed in CA no.80/2016 on the file of the Additional Sessions Judge, Kuzhithurai, confirming the Judgement dt.16/11/2016 passed in CC No.157/2012 on the file of the Judicial Magistrate Court No.I, Kuzhithurai and to 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.DEEPAK F, Advocate for the petitioner and of Mr.A.ALBERT JAMES, Government Advocate (Crl. side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Kuzhithurai, in C.C.No.157 of 2012, dated 16.11.2016, which was confirmed by the learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District, in C.A.No.80 of 2016, dated 16.12.2022, till the disposal of this Criminal Revision.



2. The case of the prosecution is that when the victim was cutting fire wood in her family property, the petitioner had molested her by hugging her and touching her breast inappropriately and caused injuries to her and on that basis, FIR came to be registered in Crime No.22 of 2011.

WEB COPY

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.157 of 2012 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

4. The learned counsel appearing for the petitioner would submit that the petitioner has been convicted by the trial Court for the offence under Section 323 IPC and sentenced to undergo three months Simple Imprisonment and for the offence under Section 4 of TN Prohibition of Harassment of Women Act and sentenced to undergo two years Simple Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one month Simple Imprisonment and further ordered that both the sentences of imprisonment to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.80 of 2016 on the file of the learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District. The learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District, confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

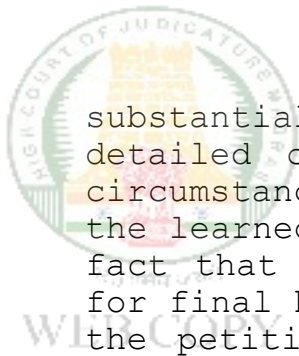
6. As per the direction of this Court, the petitioner has filed an undertaking affidavit stating that he is a senior citizen and he will not make any disturbance or harassment to the victim girl namely Sarala.

7. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid fine amount.

8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

9. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

<https://www.mhc.tn.gov.in/judis> The learned counsel appearing for the petitioner has raised



substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel appearing for the petitioner and considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Kuzhithurai;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

09/03/2023

/ TRUE COPY /

/03/2023

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

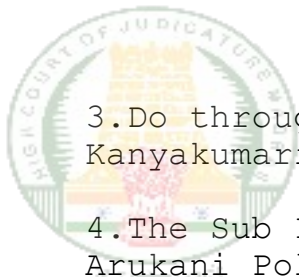
CSM

To

1.The Additional Sessions Judge,
Kuzhithurai, Kanyakumari District.

2.The Judicial Magistrate No.I,
Kuzhithurai.

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



3.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

4.The Sub Inspector of Police,
Arukani Police Station,
Kanyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.F.DEEPAK, Advocate (SR-3869[I] dated 10/03/2023)

ORDER

IN

CRL MP(MD) No.2295 of 2023

in

CRL RC(MD) No.160 of 2023

Date :09/03/2026

ED/MMS/SAR-4 (24/03/2023) 4P 7C