



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

Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1987 of 2023
IN
CRL RC(MD) No.141 of 2023

ANBARASU PANDIAN

... PETITIONER/PETITIONER

Vs

1 SARMILA
2 MINOR KIRIJA

(2ND RESPONDENT IS MINOR, HENCE
REPRESENTED THROUGH 1ST
RESPONDENT/MOTHER AS NATURAL
GUARDIAN)

... RESPONDENTS/RESPONDENTS

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 vide the order of Honble Judicial Magistrate-II, Usilampatti, dt.10.11.2022 passed in Crl.MP.No.1940 of 2020 and release the Petitioner from the Judicial Custody by pending disposal of the above Criminal Revision.

Prayer in CRL RC(MD). 141/ 2023 :

To call for the records pertaining to the order dt.10.11.2022 passed in Crl.MP.No.1940 of 2020 on the file of Learned Judicial Magistrate No.II, Usilampatti and set aside it as illegal.

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.SAMY K.K., Advocate for the petitioner, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in pursuant to the judgment dated 10.11.2022 made in Crl.M.P.No.1940 of 2020 by the learned Judicial Magistrate-II, Usilampatti, and enlarge him on bail pending disposal of the present revision.

2.The learned counsel appearing for the petitioner submitted that since the petitioner failed to pay arrear of maintenance of



Rs.2,40,000/-, the learned Judicial Magistrate-II, Usilampatti, passed an order to undergo imprisonment for the period of 7 ½ months.

3.He would further submit that pursuant to the order passed by the Court dated 02.02.2023, the petitioner has got a demand draft for Rs.50,000/- and the said Demand Draft has been sent to the first respondent through RPAD. The learned counsel has produced a copy of the Demand Draft before this Court today.

4.In view of the abovesaid development, this Court is inclined to suspend the sentence imposed upon the petitioner.

5.Accordingly, the petitioner is ordered to be released on bail on his executing a own bond for a sum of Rs.10,000/- (Rupees Ten thousand only), to the satisfaction of the Superintendent, Central Prison, Madurai, by suspending the sentence.

(i) The petitioner after coming out of the jail, he shall appear before this Court on 24.02.2023 and must pay the remaining balance amount on or before that date.

6.Notice to the respondents returnable by 24.02.2023. Private notice is also permitted. The acknowledgement of the abovesaid receipt shall also be produced on that day. Post the matter on 24.02.2023.

sd/-

03/02/2023

/ TRUE COPY /

03/02/2023

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

CM

TO

1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

ORDER IN

CRL MP(MD) No.1987 of 2023
IN

CRL RC(MD) No.141 of 2023

Date :03/02/2023