



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.2498 of 2023
in
CRL.R.C. (MD) No.179 of 2023

DURAIRAJ

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
C.C.I.W.C.I.D. POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.
CRIME NO.04 OF 2006.

... 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 passed in C.A No. 126 of 2019 dated 19.01.2023 on the file of the III Additional District and Sessions Judge, Thanjavur @ Pattukottai confirmed the judgment and sentence passed in C.C No. 709 of 2008 dated 30.08.2019 on the file of the Judicial Magistrate Court, Pattukottai, Thanjavur District and release petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 179/ 2023 :

To call for the records and set aside the judgment and sentence passed in C.A No. 126 of 2019 dated 19.01.2023 on the file of the III Additional District and Sessions Judge, Thanjavur @ Pattukottai confirmed the judgment and sentence passed in C.C No. 709 of 2008 dated 30.08.2019 on the file of the Judicial Magistrate Court, Pattukottai, Thanjavur District.

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.C.MAYILVAHANA RAJENDRAN, Advocate for M/S.SEKAR T, Advocate for the petitioner and of M/S.M.SAKTHIKUMAR, Government Advocate(Crl.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 imposed by the Court of the learned Judicial Magistrate, Pattukottai, Thanjavur

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



District in C.C.No.709 of 2008, dated 30.08.2019, which was confirmed by the learned Additional District and Sessions Judge, Thanjavur @ Pattukottai, in CrI.A.No.126 of 2019, dated 19.01.2023, 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

- i) for the alleged offence under Section 408 IPC and sentenced him to undergo one year simple imprisonment and to imposed fine of Rs.1,500/- in default to undergo six months simple imprisonment,
- ii)for the alleged offence under Section 467 IPC and sentenced him to undergo two years simple imprisonment and to imposed fine of Rs.2,000/- in default to undergo six months simple imprisonment,
- iii)for the alleged offence under Section 468 IPC and sentenced him to undergo one year simple imprisonment and to imposed fine of Rs.1,500/- in default to undergo six months simple imprisonment,
- iv)for the alleged offence under Section 471 r/w 467 IPC and sentenced him to undergo two years simple imprisonment and to imposed fine of Rs.2,000/- in default to undergo six months simple imprisonment and
- v) for the alleged offence under Section 477(A) IPC and sentenced him to undergo one year simple imprisonment and to imposed fine of Rs.1,500/- in default to undergo six months simple imprisonment,

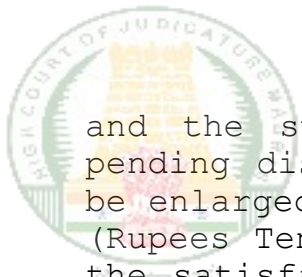
The sentences were ordered to run concurrently.

3.The learned counsel appearing for the petitioner submitted that even though he was holding office of Secretary at the time of the alleged occurrence, only accused Nos.6 and 7 was involved in the above said financial transaction. But, however, the petitioner has been wrongly roped and conviction and sentence has been passed against him 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. Considering the fact that the petitioner is aged about 73 years, this Court is inclined to grant suspension of sentence to him.

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, Pattukottai, Thanjavur District, 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/-
15/02/2023

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/02/2023

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

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TO

1. THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI
 - 2 THE JUDICIAL MAGISTRATE, PATTUKOTTAI, THANJAVUR DISTRICT.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
 - 4 THE INSPECTOR OF POLICE
C.C.I.W.C.I.D. POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC TO M/S.T.SEKAR, ADVOCATE (SR-2455[I] dated 16/02/2023)

ORDER
IN
CRL.M.P. (MD) No.2498 of 2023
in
CRL.R.C. (MD) No.179 of 2023
Date :15/02/2023

RK/VR/SAR-2 (24/02/2023) 3P 7C