



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.3101 of 2023

IN

CRL RC(MD) No.217 of 2023

NAGENDRA KUMAR @ APPAVOO

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
NAGERCOIL, KANYAKUMARI DISTRICT.
(IN CRIME NO.1222/2009).

... RESPONDENT/RESPONDENT

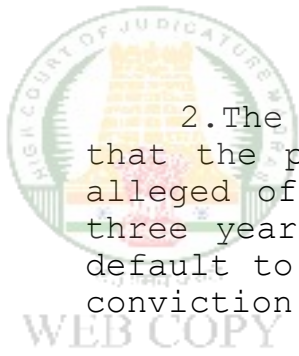
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of conviction imposed in CA No.19/2019 dt.14/10/2022 on the file of the Learned Additional Sessions Court, Kuzhithurai, which confirms the order made in SC No.14/2013 dt.17/12/2018.

PRAYER IN CRL RC(MD) No.217 of 2023:-

To call for the records of the impugned order dt.14/10/2022 in CA.No.19/2019, on the file of the learned Additional Sessions Court, Kuzhithurai, which confirms the order made in SC no.14/2013, dt.17/12/2018.

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.KISHORE C, Advocate for the petitioner and of M/S.R.SURESH 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 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, dated 14.10.2022, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner stated 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 the prosecution witnesses, there is contradictions with regard to the place of occurrence and as well as the number of accused allegedly involved in the crime. That was not taken into account by the trial Court as well as the appellate Court. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.R.Suresh 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.

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TO

1.THE ASSISTANT SESSIONS JUDGE, KUZHITHURAI.

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



2.THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI.

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

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

+1 CC to M/s.C.KISHORE, Advocate (SR-2672[I] dated 22/02/2023)

ORDER

IN

CRL MP(MD) No.3101 of 2023

Date :22/02/2023

NA/MMS/SAR-I/02.03.2023/3P/6C