



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

Friday, the Seventh day of July Two Thousand and Twenty Three

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PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) Nos.3493 and 3494 of 2023
in
CRL RC(MD) No.251 of 2023

1 CHANDRAN @ RAVICHANDRAN

... Revision Petitioner /
Appellant / Accused No.3

Vs

STATE REP BY
THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING,
SIVAGANGAI DISTRICT.
(CRIME NO.11/1994).

... Respondent / Respondent /
Complainant

in CRL MP(MD). 3493/ 2023 :

To suspend the sentence passed in CC No.71/2001 on the file of the Judicial Magistrate No.2, Sivagangai and the same was confirmed in CA.No.13/2017 dt.23/12/2022 on the file of the Learned Additional District and Sessions Court, Sivagangai, pending disposal of the above said Criminal Revision on the file of this Hon'ble Court.

Prayer in CRL MP(MD). 3494/ 2023 :

To exempt the petitioners from surrendering in CC No.71/2001 on the file of the Judicial Magistrate No.2, Sivagangai and the same was confirmed in CA No.13/2017 dt.23/12/2022 on the file of the learned Additional District and Sessions Court, Sivagangai view of their conviction in pending disposal of the above said Criminal Revision on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 251/ 2023 :

To call for the records in CC No.71/2001 on the file of the Judicial Magistrate No.2, Sivagangai and the same was confirmed in CA.No.13/2017 dt.23/12/2022 on the file of the Learned Additional District and Sessions Court, Sivagangai revise the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the

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of Mr.R.SIVAKUMAR, 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 learned Additional District and Sessions Judge, Sivagangai, in Crl.A.No.13 of 2017 dated 23.12.2022, in confirming the conviction and sentence imposed by learned Judicial Magistrate No.2, Sivagangai, in C.C.No.71 of 2001, dated 04.01.2017, pending disposal of the Criminal Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.2, Sivagangai, for the offences under Sections 408, 420, 467 & 471 IPC and sentenced him to undergo 1 year rigorous imprisonment and to pay a fine of Rs.1000/- each, in default to undergo 1 month simple imprisonment for each offence, and for the offence under Section 477(A) IPC, sentenced him to undergo 1 year rigorous imprisonment. The learned Additional District and Sessions Judge, Sivagangai, dismissed the appeal filed by the petitioner in Crl.A.No.13 of 2017.

3. The learned counsel for the petitioner submitted that there is number of witnesses turned hostile and also the prosecution did not adduce the sufficient evidence to prove the misappropriation of amount stated in the charge. Further, he also challenged the validity of the enquiry report submitted under Section 81 of Tamilnadu Co-operative Societies Act and he further submitted that the petitioner is aged about 64 years. Hence, he prayed for suspending the sentence imposed upon the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner committed a serious offence of misappropriation and both the Courts below, on appreciation of evidence rendered the conviction and sentence of imprisonment. So, he seeks dismissal of this petition.

5. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

6. Considering the fact that the petitioner is aged about 64 years and as rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal revision and since there was no antecedent against the petitioner, this Court is inclined to grant suspension of sentence and accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following conditions:-

(i) 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 learned Judicial Magistrate No.2, Sivagangai.

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

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every month at 10.30 a.m. pending revision.

7.The petitioner is exempted from surrendering before the Trial Court for furnishing the sureties.

sd/-

07/07/2023

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

TRP

To

1.The Additional District and Sessions Judge,
Sivagangai.

2.The Judicial Magistrate No.2,
Sivagangai.

3.Do through the Chief Judicial Magistrate,
Sivagangai District.

4.The Inspector of Police,
Commercial Crime Investigation Wing,
Sivagangai District.

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

ORDER

IN

CRL MP (MD) Nos.3493 and 3494 of 2023
in

CRL RC (MD) No.251 of 2023

Date :07/07/2023

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