



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

Tuesday, the Eleventh day of April Two Thousand and Twenty Three

PRESENT

The Hon'ble Mr. Justice K. MURALI SHANKAR

Crl.M.P(MD) No. 3927 of 2023
in
Crl.R.C. (MD) No. 270 of 2023

MANIVASAN

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
VATTATHIKKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
CR.NO. 65/2018

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the III Additional District and Sessions Judge, Pattukottai Passed in C.A.No.61/2021 dt 23.11.2022 confirming the conviction and sentence passed by the FTC(Magisterial Level) Pattukkottai in C.C.No.29 of 2020 dated 22.04.2021, pending the disposal of the Main Criminal Revision Petition on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 270/ 2023 :

To call for the entire records relating to the judgement of the III Additional District and Sessions Judge Thanjavur @ Pattukottai passed in C.A.No.61/2021 dt 23.11.2022 confirming the conviction and sentence passed by the FTC(Magisterial Level), Pattukkottai in C.C.No.29 of 2020 dated 22.04.2021 and set aside the same by allowing the present Criminal revision petition and acquit the Petitioner/Accused.

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.RAMASAMY S, Advocate for the petitioner and of M/S.SS.MADHAVAN, Government Advocate on behalf of the Respondent, the court made the following order:-



Reserved on : 05.04.2023

Delivered on : 11.04.2023

The Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District, in C.C.No.29 of 2020, dated 22.04.2021, which was confirmed by the learned III Additional District and Sessions Judge, Pattukkottai, in C.A.No.61 of 2021, dated 23.11.2022.

2. The case of the prosecution is that on 10.05.2018 at about 08.00 am, when the defacto complainant went to her poultry farm along with her husband, due to previous enmity for land dispute, the accused has abused the defacto complainant with filthy language and grabbed her hair and also attacked her husband with hands and threatened with dire consequences. On the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.65 of 2018 for the offences under Sections 294(b), 352, 506(i) and section 4 of TNPHW Act. The respondent Police, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.29 of 2020.

3. During the trial, the prosecution has examined 6 witnesses as P.W.1 to P.W.6 and exhibited 5 documents as Ex.P.1 to Ex.P.5 The accused has adduced neither oral nor documentary evidence.

4. The learned Judicial Magistrate, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the judgment, dated 22.04.2021, convicting the petitioner for the offence under Section 352 IPC and sentenced to pay a fine of Rs.500/- in default to undergo one month simple imprisonment; for the offence under Section 4 of THPHW Act, sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.10,000/- in default, to undergo three months simple imprisonment and acquitted the accused for the offences under Sections 294(b) and 506(i) I.P.C. Aggrieved by the judgment of conviction and sentence, the accused has preferred an appeal in C.A.No.61 of 2021 and the the learned III Additional District and Sessions Court, Pattukkottai, Thanjavur District, upon considering the materials available and on hearing the arguments of both the sides, has passed the impugned judgment, dated 23.11.2022, dismissing the criminal appeal and thereby confirmed the judgment of conviction and sentence passed by the trial Court. Aggrieved by the dismissal of the appeal, the petitioner has preferred the present Criminal Revision along with the above Miscellaneous Petition seeking suspension of sentence.

5. The learned counsel for the petitioner would submit that in pursuance of the directions of this Court, the petitioner has surrendered before the concerned Court on 14.03.2023 and that the petitioner is in prison till now. He would further submit that



there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses. He would also submit that the petitioner has already paid the fine amount.

6. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner, after dismissal of the criminal appeal, has not chosen to surrender before the concerned Court and that only in pursuance of the direction of this Court, he surrendered on 14.03.2023.

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

8. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal revision is not likely to be taken up for final hearing in the near future and the petitioner has already surrendered on 14.03.2023, this Court is inclined to suspend the sentence.

9. Accordingly, the relief of suspension of sentence and bail 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 Fast Track Court (Magisterial Level), Pattukkottai ;

(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 concerned Court once in a week i.e., on every Monday at 10.30 a.m., till the disposal of the revision 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/-

11/04/2023

/ TRUE COPY /

18/04/2023

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

DAS



TO

1. THE JUDICIAL MAGISTRATE,
FAST TRACK COURT (MAGISTERIAL LEVEL),
PATTUKOTTAI, THANJAVUR DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PATTUKOTTAI

4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

5. THE INSPECTOR OF POLICE
VATTATHIKKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s. RAMASAMY S, Advocate (SR-5797[I] dated 12/04/2023)

ORDER

IN

Crl.M.P (MD) No.3927 of 2023

in

Crl.R.C. (MD) No.270 of 2023

Date : 11/04/2023

RK/SSS/SAR-(18/04/2023) 4P/8C