



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

Tuesday, the Fourth day of July Two Thousand and Twenty Three

PRESENT

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

CRL.M.P. (MD) No.7739 of 2023  
in  
CRL.R.C. (MD) No.539 of 2023

KAMARAJ

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
KUZHITHURAI POLICE STATION,  
KANYAKUMARI DISTRICT.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order to suspend the sentence made in Crl A No.60/2013 dated 17.11.2022 on the file of the Additional Sessions Judge, Kuzhithurai confirming the judgment dt.10.09.2013 in CC No.43/2006 on the file of Judicial Magistrate No.I, Kuzhithurai.

PRAYER IN CRL.R.C. (MD) No.539 of 2023:

To call for the records relating to the judgment dated 17.11.2022 made in CRL A.No.60 of 2013 on the file of the Additional Sessions Judge, Kuzhithurai confirming the order dated 10.09.2013 made in C.C.No.43 of 2006 on the file of Judicial Magistrate No.I, Kuzhithurai and to set aside the same.

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.VELAVADHAS H, Advocate for the petitioner and of M/S.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned Additional Sessions Judge, Kuzhithurai, in Crl.A.No.60 of 2013 dated 17.11.2022, in confirming the conviction and sentence imposed by learned Judicial Magistrate No.1, Kuzhithurai, in C.C.No.43 of 2006, dated 10.09.2013, 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 Kuzhithurai, for the offence under Section 304A IPC and was

<https://www.hc.madras.gov.in/judis>



sentenced to undergo 6 months rigorous imprisonment and a fine of Rs.2000/-, in default to undergo one month simple imprisonment. The learned Additional Sessions Judge, Kuzhithurai, dismissed the appeal filed by the petitioner in Crl.A.No.60 of 2013.

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

4. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision. He further submitted that the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospect and hence, the judgment is suffered from perversity and he seeks for the suspension of sentence.

5. 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 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 No.1, Kuzhithurai and on further condition that 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.

sd/-  
04/07/2023

/ TRUE COPY /

/07/2023

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

PJL

TO

1.THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI

2.THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI.



CRL.M.P.(MD)



23

4. THE INSPECTOR OF POLICE  
KUZHITHURAI POLICE STATION,  
KANYAKUMARI DISTRICT.

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

ORDER  
IN  
CRL.M.P. (MD) No.7739 of 2023  
in  
CRL.R.C. (MD) No.539 of 2023  
Date :04/07/2023

RK/VR/SAR- (06/07/2023) 3P/6C