



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4843 of 2023
in
CRL RC(MD) No.328 of 2020

JAMES

... PETITIONER/APPELLANT/ACCUSED(SINGLE)

Vs

THE STATE REPRESENTED BY
THE SPECIAL SUB INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR.NO.19 OF 2020

... RESPONDENT/RESPONDENT/COMPLAINANT

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 by the learned District Munsif cum Judicial Magistrate Thiruvadanai Ramanathapuram in C.C.No.125/2013 vide Judgment dt 18.02.2019 which has been confirmed by the learned Principal District Judge Ramanathapuram in C.A.No.2 of 2019 by judgment dated 20.11.2019 pending the disposal of the main revision petition pending on the file of this Hon'ble Court.

PRAYER in CRL RC(MD) No.328 of 2020:

Pleased to call for the entire records pertaining to the judgment passed by the Principal District Judge, Ramanathapuram in C.A.No.2 of 2019 by Judgment dated 20.11.2019 as well as the conviction and sentence imposed by the learned District Munsif cum Judicial Magistrate, Thiruvadanai in C.C.No.125 of 2013 vide judgment dated 18.02.2019 and set aside the same and consequently acquit the petitioner from all the charges referred to in the said calendar case.

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.ANAND R, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent, the Court made the following order:-



This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the learned Principal District Judge, Ramanathapuram in C.A.No.2 of 2019 by judgment, dated 20.11.2019 confirming the judgment of the learned District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram in C.C.No.125 of 2013, vide judgment dated 18.02.2019, pending the disposal of the criminal revision.

2. The case of the prosecution is that there was some dispute between the parties with regard to the water supply in the public tap, due to which, the petitioner abused the defacto complainant in filthy language and also attacked her and caused injuries. A case was registered in Crime No.19 of 2010 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.125 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram. After trial, the petitioner was convicted by the trial Court for the offence under Section 294(b) IPC and sentenced him to undergo one month simple imprisonment and also sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment for the offence under Section 325 IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in C.A.No.2 of 2019 on the file of the learned Principal District Judge, Ramanathapuram. The appellate Court confirmed the conviction and the sentence imposed by the trial Court and dismissed the appeal. Aggrieved by the said dismissal, the petitioner has preferred the present Criminal Revision Case along with the Criminal Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that in pursuance of the direction of this Court, the petitioner has surrendered before the concerned Court on 21.03.2023 and he is now in custody.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit 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. The learned counsel appearing 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 revision and further the criminal revision is not likely to be taken up for



final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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 learned Judicial Magistrate, Thiruvadanai, Ramanathapuram;

(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 trial Court daily at 10.30 am., for a period of one month and thereafter, the petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders 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/-

18/04/2023

/ TRUE COPY /

19/04/2023

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

DAS

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.
- 4 THE SPECIAL SUB INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

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+1 CC to M/s.ANAND R, Advocate (SR-6024[I] dated 18/04/2023)

ORDER

IN

CRL MP (MD) No.4843 of 2023
in

CRL RC (MD) No.328 of 2020
Date :18/04/2023

SS/VR/SAR /19/04/2023/3P/7C