



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

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

PRESENT

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

CRL MP(MD) Nos.4893 & 10133 of 2023

IN

CRL.RC(MD) No.342 of 2023

KARTHICK

... PETITIONER/APPELLANT/
ACCUSED 1
IN BOTH PETITIONS

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR.
CRIME NO.180/2018.

... RESPONDENT/RESPONDENT/
COMPLAINANT
IN BOTH PETITIONS

Prayer in CRL MP(MD) . 4893/ 2023 :

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 passed by the Learned Principal District and Sessions Judge, Karur in CA.No.36/2021 dt. on 20/1/2023, by confirming the judgement of conviction and sentence passed by the learned Chief Judicial Magistrate, Karur in CC No.363/2019 dated 20.10.2021 and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL MP(MD) . 10133/ 2023 :

To exempt the Petitioner surrendering before the trial court pertaining to the impugned judgment of conviction and sentence passed by the Learned Principal District and Sessions Judge, Karur in CA.No.36 of 2021 dt.20.1.2023 by confirming the judgment of conviction and sentence passed by the Learned Chief Judicial Magistrate, Karur in C.C.No.363 of 2019 dated 20.10.2021.

Prayer in CRL RC(MD) . 342/ 2023 :

To call for the records pertaining to the impugned Judgment of Conviction and sentence passed by the learned Principal District and Sessions Judge, Karur in CA.No.36/2021 dt.on 20/1/2023, by confirming the judgement of conviction and sentence passed by the



Learned Chief Judicial Magistrate, Karur in C.C.No.363 of 2019 dated 20.10.2021 and 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 MS.KARUPPASAMY PANDIYAN G, Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Government Advocate(crl.side) on behalf of the Respondent, While admitting the Crl.RC., the court made the following order:-

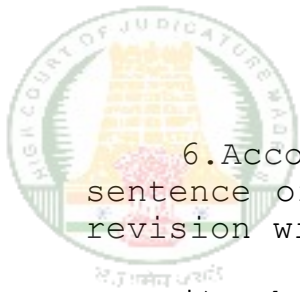
This petition is filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Karur, in Crl.A.No.36 of 2021 dated 20.01.2023, in confirming the conviction and sentence imposed by the learned Chief Judicial Magistrate, Karur, in C.C.No.363 of 2019, dated 20.10.2021, and enlarge the petitioner on bail till the disposal of the Criminal Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Chief Judicial Magistrate, Karur, for the offences under Sections 294(b), 324 and 506(2) of IPC and he was sentenced to pay a fine of Rs.500/-, in default to undergo 1 month simple imprisonment for the offence under Section 294(b) of IPC, he was sentenced to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months Rigorous Imprisonment for the offence under Section 324 of IPC and he was sentenced to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months Rigorous Imprisonment for the offence under Section 506 (ii) of IPC. The learned Principal District and Sessions Judge, Karur, dismissed the appeal filed by the petitioner, in Crl.A.No.36 of 2021.

3. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospect and hence, the judgments are suffered from perversity. He further submitted that there are totally 2 accused. The petitioner is arrayed as first accused. He further submitted that the learned Trial Judge has acquitted the co-accused and convicted this petitioner alone. Hence, he seeks for the suspension of sentence.

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

5. Considering the fact that the learned Trial Judge has already acquitted the co-accused and convicted this petitioner alone 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.



6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

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 Chief Judicial Magistrate, Karur.

ii) 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 sureties.

sd/-

14/07/2023

/ TRUE COPY /

/07/2023

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

DSS

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KARUR.

2 CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE SUB INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(CALL FOR RECORDS)**

ORDER IN

CRL MP(MD) Nos.4893 & 10133 of 2023
IN

CRL.RC(MD) No.342 of 2023

Date :14/07/2023

SA/BUC/SAR. /18.07.2023/3P/6C