



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

Wednesday, the Twenty Ninth day of March Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P. (MD) No.5082 of 2023
in
CRL.R.C. (MD) No.358 of 2023

E.VEERA RAJENDRAN

... PETITIONER/REVISION PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.183/2014.

... RESPONDENT/REVISION RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspense the sentence by granting bail in the order passed by Honble II Additional District and Sessions Judge, Thanjavur District in his C.A.No.95 of 2022 dated 23.02.2023 in confirming the judgment of the learned Judicial Magistrate, Pattukottai, Thanjavur district in C.C.No.09 of 2021 dated 31.10.2022 till the disposal of the criminal revision.

Prayer in CRL RC(MD). 358/ 2023 :

To admit this revision petition on file, to call for the records from the lower court and duly set aside the order passed by the Honble II Additional District and Sessions Judge, Thanjavur District in his Crl.A.No.95 of 2022 dated 23/02/2023 in confirming the judgment of the learned Judicial Magistrate, Pattukottai in C.C.No.09 of 2021 dated 31.10.2022 by allowing this revision.

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.PRABHU K, Advocate for the petitioner and of M/S.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed upon the petitioner passed by the learned II Additional District and Sessions Judge, Thanjavur District in C.A.No.95 of 2022, dated 23.02.2023 in C.C.No.9 of 2021 on the file of the learned Judicial Magistrate, Pattukkottai, Thanjavur, dated 31.10.2022 and release the petitioner on bail till the disposal of



2. The case of the prosecution is that on 11.05.2014, at about 18.00 hours, when the defacto complainant was chatting along with his friends near Bava Medical Shop, Pattukkottai, the petitioner herein came there, abused the defacto complainant in filthy language and also attacked him and caused injuries. A case was registered in Crime No.183 of 2021 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.9 of 2021 on the file of the learned Judicial Magistrate, Pattukkottai, Thanjavur District. After trial, the trial Court found the petitioner guilty and convicted the petitioner and sentenced him to undergo three months simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo one week simple imprisonment for the offence under Section 323 IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A.No.95 of 2022 before the learned II Additional District and Sessions Judge, Thanjavur. 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 submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

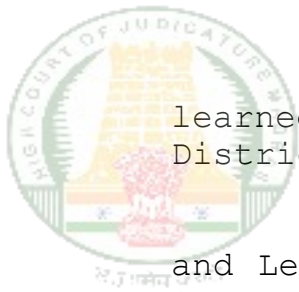
4. The learned Additional Public Prosecutor appearing for the State submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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, Pattukottai, Thanai District ;

(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 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. Consequently, Crl.M.P.(MD)No.5086 of 2023, is dismissed.

sd/-
29/03/2023

/ TRUE COPY /

/04/2023

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

das

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR DISTRICT
2. THE JUDICIAL MAGISTRATE, PATTUKOTTAI, THANAJVUR DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANAJVUR @ KUMBAKONAM.
4. THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P.(MD)No.5082 of 2023
in
CRL.R.C.(MD)No.358 of 2023
Date : 29/03/2023