



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

Wednesday, the Fifth day of July Two Thousand and Twenty Three

PRESENT

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

CRL.M.P.(MD)No.8672 of 2023
in
CRL.R.C.(MD)No.606 of 2023

1 SUBIN

2 VIBIN

... PETITIONERS/
REVISION PETITIONERS

Vs

THE PUBLIC PROSECUTOR
NAGERCOIL
(THROUGH SUB INSPECTOR OF POLICE,
KOLLEMCODE POLICE STATION,
KANYAKUMARI DISTRICT.)

... RESPONDENT/RESPONDENT

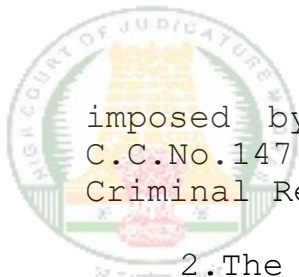
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspension of Sentence imposed by the Learned Additional Sessions Judge,Kuzhithurai in CA.No.267 of 2005 dt.4.1.2023 confirming the Judgment of conviction and sentence passed in CC.No.147 of 1999 passed by the Learned J.M.-II,Kuzhithurai dt.25.10.2005

Prayer in CRL RC(MD). 606/ 2023 :

To call for the records pertaining to the Judgment of conviction and sentence passed in CA.No.267 of 2005 dt.4.1.2023 by the Additional Sessions Judge,Kuzhithurai confirming the Judgment of conviction and sentence passed in CC.No.147 of 1999 by the learned Judicial Magistrate No.II, Kuzhithurai dated 25.10.2005 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.SREENIVASAN M.R., Advocate for the petitioner and of M/S.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent, while admitting the Criminal RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned Additional Sessions Judge, Kuzhithurai, in C.A.No.267 of 2005 dt.4.1.2023, in confirming the conviction and sentence



imposed by learned Judicial Magistrate No.II, Kuzhithurai in C.C.No.147 of 1999, dated 25.10.2005, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioners submitted that the petitioners herein found guilty for the offence under Sections 452 and 324 IPC and sentenced to undergo Rigorous imprisonment for one year and to pay a fine of Rs.5,000/- each and in default to undergo Simple Imprisonment for one month for the offence U/s. 452 IPC and they were sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.5,000/- each in default to undergo Simple Imprisonment for one month for the offence under Section 324 IPC.

3. The learned Government Advocate (Crl. Side) submits that there is no previous antecedents against the petitioners and also the alleged occurrence is only due to the civil dispute.

4. This Court has carefully considered the submission made by the learned counsel appearing on either side and also perused the materials available on record.

5. Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, Kuzhithurai and on further condition that the petitioners shall appear before the concerned Court once in a month i.e., on the first working day of every English Calendar month at 10.30 a.m. pending revision.

sd/-

05/07/2023

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/07/2023

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

TRP

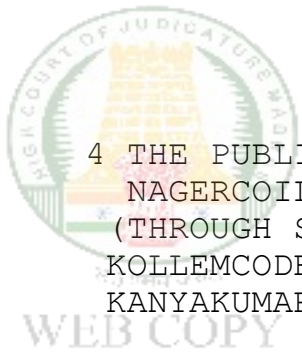
TO

1.THE ADDITIONAL SESSIONS JUDGE,KUZHITHURAI

2.THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

<https://www.mhjn.org> MADURAI.



4 THE PUBLIC PROSECUTOR
NAGERCOIL
(THROUGH SUB INSPECTOR OF POLICE,
KOLLEMCODE POLICE STATION,
KANYAKUMARI DISTRICT.)

COPY TO

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-10241[I] dated
05/07/2023)

ORDER
IN
CRL MP (MD) No.8672 of 2023
in
CRL.R.C. (MD) No.606 of 2023
Date :05/07/2023

RK(07/07/2023) 4P/7C