



CRL MP(MD) No.9264 of 2023

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

Monday, the Thirty First day of July Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.9264 of 2023

in

CRL RC(MD)No. 661 of 2023

1 MURUGANANTHAM

2 KAMARAJ

... PETITIONERS/PETITIONERS

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
THOHUR POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.19 OF 2014.

... RESPONDENT/RESPONDENT

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 against the petitioners in Crl.A.No.95/2021 dt 08.08.2022 passed by the learned Additional District Judge(EC Court) Thanjavur conforming the judgement as against the 1st petitioner and modified the sentence as against the 2nd petitioner in C.C.No. 158 of 2014 daetd 02.11.2021 passed by the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District till the disposal of the instant Criminal Revision Petition.

Prayer in CRL RC(MD). 661/ 2023 :

To call for the records in Crl.A.No.95/2021 dt 8.8.2022 passed by the learned Additional District Judge (EC Court) Thanjavur confirmed the sentence as against the 1st petitioner and modified the sentence as against the 2nd petitioner passed by

<https://www.mhc.tn.gov.in/judis>



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the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District by its judgment in C.C.No. 158 of 2014 dated 02.11.2021 and set aside the same.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MARAN.M, Advocate for the petitioner and of MR.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Original petition, the court made the following order:-

The Criminal Miscellaneous Petition has been filed to suspend the execution of sentence of conviction, order dated 08.08.2022 in CrI.A.No.95 of 2021 on the file of the learned Additional District Judge (EC Court), Thanjavur confirming the judgment as against the first petitioner and modified the sentence as against the 2nd petitioner in C.C.No.158 of 2014 dated 02.11.2021 passed by the learned Judicial Magistrate, Thiruvaiyaur, Thanjavur District and release the petitioners on bail till the disposal of the Criminal Revision Case.

2. The case of the prosecution is that due to some previous motive, on 05.03.2014 at around 5.45 p.m, when the defacto complainant returning his home after purchasing some houshold articles from Thirukattupalli and came near Thiruchanampoondi, Ilankadu Padukai, the accused persons waylaid the two wheeler which was driven by the defacto complainant and assaulted him with wooden log. Due to the said attack, the defacto complainant sustained injuries.

Hence the respondent police registered the case in Crime No.19 of 2014 for the offence under Sections 341, 294(b), 323 and 506(ii) IPC. After investigation, the



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respondent police filed the final report under Sections 341, 294(b) and 325 IPC before the learned Judicial Magistrate, Thiruvaiyaru.

3. The learned counsel for the petitioners would submit that the the learned Judicial Magistrate, Thiruvaiyaur, Thanjavur District, convicted the 1st and 2nd petitioners under Sections 341 and 325 IPC and sentenced them to undergo one month rigorous imprisonment for the offence punishable under Section 341 IPC; and sentenced them to undergo six months rigourous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment. Aggrieved by the said order, the petitioners preferred the appeal before the Additional District Judge(EC) Court, Thanjavur in C.A.No.95 of 2021. The learned District Judge vide order dated 08.08.2022 confirmed the judgment and sentence passed by the learned Magistrate under Section 341 and 325 IPC as against the 1st petitioner/A1 alone. As against the 2nd petitioner/A2 the learned District Judge confirmed the sentence under Section 341 IPC and modified the sentence imposed under Section 325 IPC to the effect that the 2nd petitioner shall undergo one month rigorous imprisonment, in default, to undergo one month simple imprisonment. Challenging the said order, the petitioners filed the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

4. This Court has carefully considered the submission made by the counsel for



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the petitioners and also perused the materials available on record.

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5. The learned counsel for the petitioners submitted that there are number of discrepancies regarding the manner of the injury alleged by the injured witnesses. He further submitted that there is a delay in registering the case and also material discrepancies between the witnesses regarding the manner of the incident took place. He further submitted that the 1st petitioner is inside the jail from (*)14.07.2023 onwards and the 2nd petitioner is inside the jail from (*)14.07.2023. Hence, he seeks for the suspension of sentence.

6. Considering the above submission made by the learned counsel for the petitioners, this Court finds that there are some arguable points in the revision. Apart from that the petitioners also inside the jail and the learned trial Judge acquitted them from the offence under Section 294(b) IPC and the learned Appellate Judge modified the conviction against the second accused/2nd petitioner herein under Section 325 IPC and also considering the above infirmities alleged by the learned counsel for the petitioners, this Court is inclined to grant suspension of sentence and accordingly, this petition is allowed on the following conditions:

(i) 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) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Thiruvaiyaur, Thanjavur



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District;

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(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 petitioners 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/-
31/07/2023

(*)Corrected as per order of this Hon'ble Court in
CRL MP(MD).9264/2023 in CRL RC(MD).
661/2023 dated 08.08.2023

/ TRUE COPY /

08/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PJL
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
02.08.2023

- 1 THE ADDITIONAL DISTRICT JUDGE,
(EC COURT) THANJAVUR DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.



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3. DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

4 THE INSPECTOR OF POLICE
THOHUR POLICE STATION,
THANJAVUR DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY DISTRICT.

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

COPY TO

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

+1 CC to M/s.M.MARAN, Advocate (SR-11543[I] dated 31/07/2023)

ORDER IN
CRL MP(MD) No.9264 of 2023
in
CRL RC(MD)No. 661 of 2023
Date :31/07/2023

PKP/ /SAR- /02.08.2023/ 6P/9C
RS/ /SAR- /08.08.2023/ 6P/9C

Madurai Bench of Madras High Court is issuing
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