



CRL MP(MD) No.6561 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.6561 of 2023

in

CRL RC(MD)No. 444 of 2023

RAVI

... PETITIONER/PETITIONER

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.171/2014).

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the execution of the substantial sentence to undergo 4 years RI with a fine of Rs.1,000/- i/d-2 months SI for the offences u/s.307 IPC in CrI.A.No.100/2019 on the file of the learned Additional District and Sessions Judge(FTC), Tenkasi dated 06.04.2023 confirming the judgment made in S.C.No. 358 of 2014 on the file of Learned Additional Assistant Sessions court, Tenkasi dated 12.09.2019 pending disposal of the above Criminal Revision Case and enlarge the petitioner/Appellant on bail.

Prayer in CRL RC(MD). 444/ 2023 :

To call for the records pertaining to the judgement of conviction and sentence dt.6/4/2023 made in CrI.A.No.100/2019 on the file of the Learned Additional District and Sessions Judge,(FTC), Tenkasi confirming the Judgement made in

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



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SC.No.358/2014. on the file of Learned Additional Assistant Sessions court, Tenkasi dated 12.09.2019 for the offences under section 307 of IPC for 4 years Rigorous imprisonment with a fine of Rs.1000/- in default 2 months simple imprisonment and to 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.SASIKUMAR V, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned Additional District and Sessions Judge (FTC), Tenkasi, in Crl.A.No.100 of 2019 dated 06.04.2023, in confirming the conviction and sentence imposed by the Additional Assistant Sessions Court, Tenkasi, in S.T.C.No.358 of 2014, dated 12.09.2019, 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 Additional Assistant Sessions Court, Tenkasi, for the offence under Section 307 of IPC, and sentenced him to undergo 4 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default, to undergo 2 months Simple Imprisonment. The learned Additional District and Sessions Judge (FTC), Tenkasi, dismissed the appeal filed by the petitioner, in Crl.A.No.100 of 2019.

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



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hence, the judgments are suffered from perversity. He further submitted that there is discrepancy between the complaint as well as the evidence deposed by P.W.1 and the petitioner is in custody from 24.07.2023. The learned counsel further submitted that no offence made out against the petitioner under Section 307 IPC. 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 facts that there is discrepancy between the complaint as well as the evidence deposed by P.W.1 and the submission of the learned counsel for the petitioner that presence of P.W.1 in the scene of occurrence is doubtful and his version regarding the registration of the case is also doubtful on the ground that even before the registration of the case, the police came to the scene of occurrence is also deserved to be the arguable point along with the other infirmities noted by the learned counsel for the petitioner to grant the suspension of sentence. This Court also considered the facts that the petitioner has no previous antecedent and he is in custody from 24.07.2023.

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



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(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 Additional Assistant Sessions Court, Tenkasi;

(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 concerned Court once in a week i.e., on every Monday at 10.30 a.m., till the disposal of the revision;

sd/-
31/07/2023

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

DSS
TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE (FTC), TENKASI.
- 2 THE ADDITIONAL ASSISTANT
SESSIONS JUDGE, TENKASI.

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- 3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, TENKASI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SASI KUMAR, Advocate (SR-11554[I] dated 01/08/2023)

ORDER
IN
CRL MP(MD) No.6561 of 2023
in
CRL RC(MD)No. 444 of 2023
Date :31/07/2023

PKP/VRS/SAR- /02.08.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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