



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

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

WEB COPY

PRESENT

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

CRL MP(MD) No.7828 of 2023

in

CRL RC(MD) No.552 of 2023

P.NATESAN

... Petitioner / Revision Petitioner

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
CBCID POLICE STATION,
KARUR DISTRICT.
(CRIME NO.20 OF 2005.)

... 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 passed in Crl.A.No.33 of 2020 on the file of Honble Principal District and Sessions Judge,Karur dt.30.1.2023 thereby dismissing the appeal and affirm the conviction and sentence passed in CC.No.5 of 2011 on the file of the learned Judicial Magistrate No.II, Karur dated 31.07.2020 till the disposal of above criminal Revision.

Prayer in CRL RC(MD). 552/ 2023 :

To call for records in pursuance of the order passed by the Learned Principal District and Sessions Judge,Karur in Crl.A.N.33 of 2020 dt.30.1.2023 thereby dismissing the appeal and affirm the conviction and sentence passed in CC.No.5 of 2011 on the file of the learned Judicial Magistrate No.II dated 31.07.2020 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 M/s.B.MUNEESWARAN, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, 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.33 of 2020 dt.30.1.2023, in confirming the conviction and sentence



imposed by learned Judicial Magistrate No.II, Karur, in C.() of 2011, dated 31.07.2020, till the disposal of the Criminal Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.II, Karur, for the offences under Sections 419 r/w 119 & 420 r/w 511 of IPC and was sentenced to undergo 3 years simple imprisonment and to pay a fine of Rs.2500/-, in default to undergo 1 month simple imprisonment for each offence. The Principal District and Sessions Judge, Karur, dismissed the appeal filed by the petitioner, in Crl.A.No.33 of 2020.

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 even as per the prosecution case, the petitioner has only attempted to cheat the defacto complainant and the petitioner is in custody from 06.07.2023 onwards and 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 even as per the prosecution case, the petitioner has only attempted to cheat the defacto complainant and also considering the period of incarceration 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 and accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and 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 learned Judicial Magistrate No.II, Karur, and on further condition that 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.

sd/-
12/07/2023

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/07/2023

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



To

1.The Principal District and Sessions Judge,
Karur.

2.The Judicial Magistrate No.II,
Karur.

3.Do through the Chief Judicial Magistrate,
Karur District.

4.The Inspector of Police,
CBCID Police Station,
Karur District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.M.MARI CHELLAIAH PRABHU, Advocate (SR-10602[I] dated
12/07/2023)

ORDER

IN

CRL MP (MD) No.7828 of 2023
in

CRL RC (MD) No.552 of 2023
Date :12/07/2023

ED/BUC/SAR- (13/07/2023) 3P 7C