



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

Friday, the Fourteenth day of July Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) Nos.9718 and 9719 of 2023
in
CRL RC(MD) No.694 of 2023

KARUPPASAMY

... Petitioner / Petitioner
in both petitions

Vs

THE INSPECTOR OF POLICE
SINDHUPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.50 OF 2016.)

... Respondent / Respondent
in both petitions

Prayer in CRL MP(MD). 9718/ 2023 :

To suspend the sentence imposed by the V Additional Sessions Court, Madurai in C.A.No.66 of 2021 dated 21.12.2022 confirming the judgment of conviction and sentence passed by the judicial magistrate, thirumangalam in C.C.No.116 of 2016 dated 09.03.2021 and release the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD). 9719/ 2023 :

To exempt the petitioner from surrendering before the trial court in C.C.No.116 of 2016 dated 09.03.2021 on the file of the Judicial Magistrate, Thirumangalam confirming the judgment in C.A.No.66 of 2021 dated 21.12.2022 on the file of the V Additional Sessions Court, Madurai and sentence passed in and thus render justice.

Prayer in CRL RC(MD). 694/ 2023 :

To call for the records pertaining to the judgment and sentence passed in C.A.No.66 of 2021 dated 21.12.2022 on the file of the V Additional Sessions Court, Madurai confirming the judgment and sentence passed in C.C.No.116 of 2016 dated 09.03.2021 on the file of the Judicial Magistrate, Thirumangalam 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.JAYARAMACHANDRAN.A, Advocate for the petitioner in



Prosecutor on behalf of the Respondent in both petition le admitting the Criminal Revision Petition, the court made the following order:-

This petition is filed to suspend the sentence imposed by the V Additional Sessions Court, Madurai, in Crl.A.No.66 of 2021 dated 21.12.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Thirumangalam, in C.C.No.116 of 2016, dated 09.03.2021, and release the petitioner on bail till the disposal of the Criminal Revision Case.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, Thirumangalam, for the offences under Sections 294(b) and 325 of IPC and he was sentenced to pay a fine of Rs.500/-, in default to undergo 15 days simple imprisonment for the offence under Section 294(b) of IPC and he was sentenced to undergo 1 year Simple Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 1 month Simple Imprisonment for the offence under Section 325 of IPC. The the V Additional Sessions Court, Madurai, dismissed the appeal filed by the petitioner, in Crl.A.No.66 of 2021.

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 there is delay in filing the FIR and the petitioner has surrendered before the Trial Court on 11.07.2023 and from onwards he is in custody. 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 delay in filing the FIR and 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.

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

i) 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 Judicial Magistrate, Thirumangalam.



ii) The petitioner shall appear before the trial Court in a month i.e., on the first working day of every month at 10.30 a.m. pending revision.

7. Since the petitioner surrendered before the Trial Court on 11.07.2023, the Crl.MP(MD)No.9719 of 2023 is closed.

sd/-
14/07/2023

/ TRUE COPY /

17/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The V Additional Sessions Judge,
Madurai.

2.The Judicial Magistrate,
Thirumangalam.

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

4.The Inspector of Police,
Sindhupatti Police Station,
Madurai District.

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

+1CC to M/s.A.JAYARAMACHANDRAN, Advocate, SR-10733(I), dated
14.07.2023.

ORDER
IN
CRL MP(MD) Nos.9718 and 9719 of 2023
in
CRL RC(MD) No.694 of 2023
Date :14/07/2023

ED/BUC/SAR- (17/07/2023) 3P 7C