



CRL MP(MD) No.8635 of 2023

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

Thursday, the Thirty First day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
CRL MP(MD) No.8635 of 2023
in
CRL RC(MD) No.601 of 2023

R.SESHAGIRI

... PETITIONER/PETITIONER

Vs

State Rep.by
THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISRICT.
(CRIME NO.07 OF 2002)

... 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 sentence of imprisonment imposed by the learned Additional District and Sessions Court, Dindigul in Crl.A.No.63/2018 by the Judgment dated 15.03.2023 confirming the conviction and sentence imposed by the learned Chief Judicial Magistrate Court, Dindigul in C.C.No.17 of 2014 dated 20.07.2018 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 601/ 2023 :

To call for the records of the learned Additional District and Sessions Court Dindigul in Crl.A. No.63/2018 d 15.03.2023 confirming the conviction and sentence imposed by the learned Chief Judicial Magistrate Court, Dindigul in C.C.No.17/2014 dated 20.07.2018 and set-aside the judgments of the courts below and acquit the petitioner.

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.MARIMUTHU N, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-



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This petition is filed to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Dindigul in CrI.A.No.63 of 2018 dated 15.03.2023, confirming the conviction and sentence imposed by the learned Chief Judicial Magistrate, Dindigul in C.C.No.17 of 2014 dated 20.07.2018 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

2. The case of the petitioner is that while he was working as the Branch Manager, Weizmann Homes Limited Corporation, Dindigul District between 18.08.1999 and 15.11.2001, he said to have committed misappropriation of amount for a sum of Rs.1,50,000/-. Therefore, the company made a complaint against the petitioner and other accused. On the basis of the complaint, FIR came to be registered in Crime No.07 of 2002 for the offences under Sections 471, 467, 420 r/w 109 of IPC. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 471, 467, 420 r/w 109 of IPC.

3. During trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7 and exhibited 45 documents as Ex.P.1 to Ex.P.45. However, neither a witness was examined not a document was exhibited on the side of the accused.

4. The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, convicted the petitioner/accused No.1 for the offences under Sections 467, 471, 420 r/w 109 of IPC. and sentenced him to



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undergo 2 years simple imprisonment for the offence under Section 324 of IPC and to pay a fine of Rs.500/- in default to undergo 1 month simple imprisonment, and he was sentenced to undergo 2 years simple imprisonment for the offence under Section 471 of IPC and to pay a fine of Rs.500/- in default to undergo 1 month simple imprisonment and he was sentenced to undergo 2 years simple imprisonment for the offence under Section 420 r/w 109 of IPC and to pay a fine of Rs.500/- in default to undergo 1 month simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal in C.A.No.63 of 2018, before the learned Additional District and Sessions Judge, Dindigul. The learned appellate Judge confirmed the conviction and sentence passed by the learned Chief Judicial Magistrate, Dindigul in C.C.No.17 of 2014, dated 20.07.2018 and dismissed the appeal. Aggrieved over the same, the petitioner filed present Criminal Revision Case along with the above Miscellaneous Petition seeking suspension of sentence.

5. The learned counsel for the petitioner would submit that the respondent police falsely registered the case against the petitioner. The allegations against the petitioner is that he manipulated the records to facilitate the ineligible person to get loan, the same was not proved beyond reasonable doubt. Further the petitioners and the same was inside the prison and to show his bonafide, he is ready to deposit a sum of Rs.1,00,000/-. Hence, he seeks suspension of sentence.



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6. The learned Government Advocate (Crl.side) appearing for the respondent would contend that the Trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal.

7. This Court has carefully considered the submission of learned counsel for the petitioner and also perused the materials available on record.

8. This Court considering the special circumstances of the case that the allegation against the petitioner is that he manipulated the records to facilitate the ineligible person to get loan is not proved beyond reasonable doubt. The petitioner granted loan after compliance of all the particulars as per the norms. Further, the learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars and he is ready to deposit a sum of Rs.1,00,000/-. So this Court prima facie satisfied that there are arguable points involved in this Criminal Revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is in custody from 24.08.2023, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

9. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit a sum of Rs.1,00,000/- before the learned Chief



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Judicial Magistrate, Dindigul District. learned Chief Judicial Magistrate, is hereby directed to deposit the amount which was remitted by the petitioner in any one of the Nationalized Bank in interest bearing account.

(ii) 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 learned Chief Judicial Magistrate, Dindigul District ;

(iii) 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

(iv) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the revision.

If the petitioner is succeed in Criminal Revision Case, he is entitled to refund of Rs.1,00,000/- which has to be deposited by him

sd/-

31/08/2023

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01/09/2023

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



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TO

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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-12997[I] dated 31/08/2023)

ORDER IN
CRL MP(MD) No.8635 of 2023
in
CRL RC(MD) No.601 of 2023
Date :31/08/2023

RS//SAR-(01.09.2023) 6P 7C

Madurai Bench of Madras High Court is issuing
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