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

Thursday, the Tenth day of August Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.11532 of 2023

in

CRL A(MD)No.711 of 2023

SENTHILKUMAR

... PETITIONER/ APPELLANT

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
(CRIME NO.487/2018).

... 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 passed in SC.No.161/2019 dt.26/7/2023 on the file of Learned Principal Sessions Judge, Tiruchirappalli pending disposal of the above said Criminal Appeal.

PRAYER in CRL A(MD)No.711 of 2023:

To call for the records pertaining to the order made in S.c.No.161 of 2019 dated 26.07.2023 on the file of learned Principal Sessions Judge, Tiruchirappalli and set aside the same by allowing above appeal.

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.KARUNAKARAN.K.M, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(Crl.side) on behalf of the Respondent while admitting the CRL A., the Court made the following order:-



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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal Sessions Judge, Tiruchirappalli in S.C.No.161 of 2019, dated 26.07.2023.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

4. After trial, the petitioner has been convicted and sentenced as under:-

Accused	Offences Punishable	Sentence Imposed
Sole accused	u/s.294(b) IPC	3 months Imprisonment with fine of Rs.500/- i/d one week RI
	U/s.3(i) of TNPPDL Act	2 years RI with fine of Rs.1,000/- i/d 3 months RI
	U/s.506(ii) IPC	2 years RI with fine of Rs.500/- i/d 3 months RI

5. According to the prosecution, the petitioner said to have committed the offence under Sections 294(b), 506(ii) IPC r/w section 3(i) of TNPPDL Act. On 26.07.2018 at about 10.10 a.m., the accused approached the defacto complainant and demanded the arrears of salary. The same was refused by the defacto complainant

and hence, on provocation, the accused damaged the car of the defacto complainant



and scolded him in a filthy language and threatened him with wooden log. Hence, the defacto complaint has made a complaint before the respondent police and the same was registered in Cr.No.487 of 2018. After the investigation, final report has been filed before the learned Judicial Magistrate No.III, Trichirappalli in P.R.C.No.60 of 2019. After completing the formalities, the same was committed to the learned Principal Sessions Court, Trichirappalli and the same was taken on file in S.C.No.161 of 2019. On the said allegation, the petitioner has faced the trial. The learned trial Judge, after considering the evidence as well as the documents produced by the Investigating Agency, imposed the conviction and sentence against the petitioner as stated supra.

6. The learned counsel for the petitioner submitted that the complaint was lodged belatedly and further submitted that even admitting the occurrence, the offences are not made out as against the petitioner. The trial Court suspended the sentence till 25.08.2023 against the petitioner and hence, he seeks the suspension of sentence of imprisonment in favour of the appellant.

7. The learned Special Public Prosecutor 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.



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8. This Court considered the submission of both sides and perused the documents.

9. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and there are arguable points involved in the appeal and that the appeal is not likely to be taken up for final hearing in the near future, considering the fact that the occurrence took place on sudden provocation at the time of claiming the arrears of salary of the petitioner from the defacto complainant, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence and accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following conditions:-

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Principal Sessions Judge, Tiruchirappalli.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned officer may obtain a copy of their Aadhar or Bank Pass Book to ensure their identity.



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(iii) The petitioner shall appear before the Court concerned on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
10/08/2023

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

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TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TIRUCHIRAPPALLI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-12103[I] dated 10/08/2023)

ORDER
IN
CRL MP(MD) No.11532 of 2023
in
CRL A(MD)No.711 of 2023
Date :10/08/2023

SS/BUC/17/08/2023/5P/5C