



CRL MP(MD) No.14129 of 2023

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

Monday, the Sixteenth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.14129 of 2023

IN

CRL RC(MD)No. 1107 of 2023

THULASI RAJ

... PETITIONER/PETITIONER

Vs

FOOD SAFETY OFFICERS
MADURAI CORPORATION,
CODE NO. 572 NOMINATED
OFFICERS CAMPUS, DDHS CAMPUS,
VISHWANATHAPURAM, MADURAI

... 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 imposed by the Appellate court in C.A No. 69 of 2021 on 20.02.2023 on the file of the Vth Additional District court, Madurai and STC No. 3699/2019 on the file of the Judicial Magistrate court No.II, Madurai pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD). 1107/ 2023 :

To call for the records and to set aside the judgment made in Crl Appeal No. 69 of 2021 dated 20.02.2023 on the file of Vth Additional District Court, Madurai confirming the punishment of two months Simple Imprisonment with fine of Rs. 1,00,000/- in defeat one month of S.I. rendered by Trial Court in STC No. 3699 of 2019 dated 01.04.2021 on the file of the Judicial Magistrate No.II, Madurai.



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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.RAJAN.V.P, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petitions is filed to suspend the sentence passed by the learned Judicial Magistrate No.II, Madurai, in S.T.C.No.3699 of 2019, dated 01.04.2021, which was confirmed in Criminal Appeal No.69 of 2021, dated 20.02.2023 by the learned Vth Additional District Court, Madurai, pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 63 of Food Safety and Standard Act, 2006 and sentenced him to undergo simple imprisonment for a period of two months and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only), in default to undergo simple imprisonment for a period of one month in S.T.C.No.3699 of 2019, on the file of the learned Judicial Magistrate No.II, Madurai.

3. The learned Vth Additional District Court, Madurai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.69 of 2021, dated 20.02.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioner that there are several



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infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains 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 entitled to the relief of grant of suspension of sentence.

8. 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 condition that 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



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learned Judicial Magistrate No.II, Madurai.

(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 trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
16/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

- TTA
TO
1 THE V ADDITIONAL DISTRICT JUDGE, MADURAI.
2 THE JUDICIAL MAGISTRATE NO.II, MADURAI
3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4 THE FOOD SAFETY OFFICERS
MADURAI CORPORATION,
CODE NO. 572 NOMINATED OFFICERS CAMPUS,
DDHS CAMPUS,
VISHWANATHAPURAM, MADURAI



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

+1 CC to M/s.V.P.RAJAN, Advocate (SR-15232[I] dated 16/10/2023)

ORDER
IN
CRL MP(MD) No.14129 of 2023
IN
CRL RC(MD)No. 1107 of 2023
Date :16/10/2023

PKP/JGB/SAR- /26.10.2023/ 5P/ 7C

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