



CRL.M.P.(MD).No.12584 of 2023

WEB COPY

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.M.P.(MD).No.12584 of 2023
in
CRL.R.C.(MD).No.972 of 2023

SIVAPERUMAL

... PETITIONER/RESPONDENT/
RESPONDNET

Vs

1 VALLI

2 MINOR.THEIVANAYAGI

3 MINOR.DHARMARAJ

... RESPONDENTS/PETITIONERS/
PETITIONERS

(RESPONDENT NO.2 & 3 ARE MINORS
REPRESENTED THROUGH THEIR
MOTHER/NATURAL GUARDIAN NAMELY
THE 1ST RESPONDEN)

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence imposed upon the petitioner vide dated 24.07.2023 made in Crl.M.P.No.28 of 2020 in M.C.No.09 of 2018 on the file of the Additional District Munsif Cum Judicial Magistrate,Vedasandur,Dindigul District pending disposal of the Criminal Revision Case in the interest of justice and thereby render justice.



CRL.M.P.(MD).No.12584 of 2023

WEB COPY

PRAYER IN CRL.R.C.(MD).No.972 of 2023:

To call for the records and set aside the order dated 24.07.2023 made in Cr.L.M.P.No.28 of 2020 in M.C.No.09 of 2018, on the file of the Additional District Munsif cum Judicial Magistrate, Vedansandur, Dindigul District.

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.SENTHIL MURUGAN C, Advocate for the petitioner, while admitting the CrI RC., the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by the learned Additional District Munsif cum Judicial Magistrate, Vedasandur, Dindigul District in CrI.M.P.No.28 of 2020 in M.C.No.09 of 2018 dated 24.07.2023, pending disposal of the above Criminal Revision Case.

2. The petitioner herein is the husband of the first respondent, he is confined in prison from 24.07.2023 for his failure to pay the maintenance award amount granted by the trial Court. Therefore, he was convicted and sentenced to undergo 11 months simple imprisonment.



CRL.M.P.(MD).No.12584 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that the trial Court miserably failed to appreciate the evidence that the first respondent is enjoying the ancestral property of the petitioner and earning sufficient income by doing agricultural activities. The learned Additional District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, has awarded maintenance amount of Rs.11,000/- to the respondent which is exorbitant. Further he submitted that the Court below without granting sufficient time for complying the order passed by trial Court. The petitioner has already filed the revision case before this Court, challenging the quantum of the maintenance and the same is pending in CrI.M.P.(MD).No.6463 of 2023 in CrI.R.C.(MD).SR.No.12460 of 2023. The Court below sentenced the petitioner only on its own presumption and assumption. Hence, he seeks to suspend the sentence imposed on the petitioner.

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

5. Considering the submission of the petitioner that the first respondent is enjoying the ancestral property of the petitioner and earning sufficient income from the said property and he is ready to deposit a sum of Rs.75,000/-, this Court prima



CRL.M.P.(MD).No.12584 of 2023

WEB COPY

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 24.07.2023, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

6. 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.75,000/- before the learned Additional District Munsif Cum Judicial Magistrate, Vendasandur, Dindigul District.

(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 Additional District Munsif Cum Judicial Magistrate, Vendasandur, Dindigul District;



CRL.M.P.(MD).No.12584 of 2023

WEB COPY

(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

sd/-
31/08/2023

/ TRUE COPY /

01 /09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sbn

TO

- 1.THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-13005[I] dated 31/08/2023)

ORDER
IN
CRL.M.P.(MD).No.12584 of 2023
in
CRL.R.C.(MD).No.972 of 2023
Date :31/08/2023

RK (01/09/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023
<https://www.mhc.tn.gov.in/judis>