



CRL MP(MD) No.14440 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Thursday, the Twelfth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL.M.P(MD).Nos.14440 and 14441 of 2023

in

CRL.R.C(MD).No.1135 of 2023

ANANDAM

... PETITIONER/PETITIONER  
/ APPELLANT/ ACCUSED  
IN BOTH CRL MP's

Vs

State Rep.by  
THE INSPECTOR OF POLICE  
KOTTAR POLICE STATION,  
KOTTAR, NAGERCOIL,  
KANYAKUMARI DISTRICT  
CRIME NO.27/2012

... RESPONDENT/RESPONDENT  
/RESPONDENT/COMPLAINANT  
IN BOTH CRL MP's

Prayer in CRL MP(MD).14440/2023 :

To Suspend the Sentence as imposed on the petitioner by the Learned Additional District and Sessions Judge (Fast Track), Nagercoil, Kanyakumari District dated 11.08.2023 made in C.A.No.20/2015 confirming the order of conviction and sentence by the Learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District made in C.C.No.12 of 2014 dated 22.04.2015, pending disposal of the above Criminal Revision Petition before this Hon'ble court.

Prayer in CRL MP(MD). 14441/ 2023 :

To pass an order exempting the petitioner from being surrendered for undergoing judicial custody in Connection with conviction and sentence imposed on the petitioner by means of judgment date 11.08.2023 made in C.A.No.20 of 2015 on



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the file of the Learned Additional District and Sessions Judge (Fast Track), Nagercoil, Kanyakumari District confirming the order of conviction and sentence as passed by the Learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District made in C.C.No.12 of 2014 dated 22.04.2015, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1135/ 2023 :

To call for the records and set aside the order of conviction and sentence as imposed on the petitioner by the Learned Additional District and Sessions Judge (Fast Track), Nagercoil, Kanyakumari District dated 11.08.2023 made in C.A.No.20/2015 confirming the order of conviction and sentence on him by the Learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District made in C.C.No.12 of 2014 dated 22.04.2015 forthwith.

Common Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.PALANI VELAYUTHAM.S, Advocate for the petitioner in both CRL MP's and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent in both CRL MP's, while admitting the Criminal Revision Case, the court made the following order:-

These Criminal Miscellaneous Petitions are filed to suspend the sentence passed by the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District, in C.C.No.12 of 2014, dated 22.04.2015, which was confirmed in Criminal Appeal No.20 of 2015, dated 11.08.2023 by the learned Additional District and Sessions Judge (Fast Track), Nagercoil, Kanyakumari District, pending disposal of the Criminal Revision Case and for exemption of his surrender pursuant to the aforesaid Judgment.

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 304(A) of Indian Penal Code and sentenced him to undergo simple imprisonment for a period



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of one year and to pay a fine of Rs.3,000/- (Rupees Three Thousand only), in default to undergo simple imprisonment for a period of three months in C.C.No.12 of 2014, on the file of the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District.

3.The learned Additional District and Sessions Judge (Fast Track), Nagercoil, Kanyakumari District, confirmed the conviction and sentence and dismissed the Criminal Appeal No.20 of 2015, dated 11.08.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with these miscellaneous petitions.

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



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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 learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District.

(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.

9. The petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the learned Chief Judicial Magistrate,



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Nagercoil, Kanyakumari District, within a period of two weeks from the date of receipt of copy of this order. Hence, Crl.M.P.(MD)No.14441 of 2023 is dismissed.

sd/-

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE, NAGERCOIL,  
KANYAKUMARI DISTRICT.

2 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK),  
NAGERCOIL, KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE, KOTTAR POLICE STATION,  
KOTTAR, NAGERCOIL, KANYAKUMARI DISTRICT

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate ( SR-15196[I] dated  
13/10/2023 )

ORDER IN  
CRL.M.P(MD).Nos.14440 and 14441 of 2023  
in

CRL.R.C(MD).No.1135 of 2023

Date :12/10/2023

RS/DD/SAR-(19.10.2023) 5P 6C

Madurai Bench of Madras High Court is issuing  
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