



CRL RC(MD) No.1115 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) Nos.14210 & 14212 of 2023

IN

CRL RC(MD) No.1115 of 2023

M.ADAIKKAN

... PETITIONER/REVISION PETITIONER
in BOTH THE PETITIONS

Vs

THE INSPECTOR OF POLICE
THOGAIMALAI POLICE STATION,
KARUR DISTRICT.
(IN CRIME NO.44/2019).

... RESPONDENT/RESPONDENT
in BOTH THE PETITIONS

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 the petitioner imposed judgment dt.20/7/2022 in CC No.62/2019 on the file of the Learned Judicial Magistrate No.I Court, Kulithalai, confirmed in judgment dt.30/8/2023 made in Crl.A.No.86/2022 on the file of Principal District Judge, Karur, pending disposal of the above Criminal Revision petition.

Prayer in CRL MP(MD). 14212/ 2023 :

To exempt the petitioner from surrender before the learned Judicial Magistrate No.I, Court, Kulithalai in CC No.62/2019 judgement dt.20/7/2022, confirmed in judgment dt.30/8/2023 made in Crl.A.No.86/2022 on the file of Principal District Judge, Karur, pending disposal of the above Criminal Revision petition.



CRL RC(MD) No.1115 of 2023

Prayer in CRL RC(MD). 1115/ 2023 :

To call for the records pertaining to the judgment dt.30/8/2023 made in Crl.A.No.86/2022 on the file of Principal District Judge, Karur, confirming the judgment dated 20/7/2022 in CC No.62/2019 on the file of Learned Judicial Magistrate No.I Court, Kulithalai, set aside the same and allow the criminal Revision.

Order : This Criminal Miscellaneous Petition on coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PRASANNA VINOTH B, Advocate for the petitioner and of Mr.MANIKANDAN, Government Advocate(Crl.side) on behalf of the Respondents while admitting the Criminal Revision Case, the Court made the following order:-

This petition has been filed to suspend the sentence passed in C.C.No.62 of 2019 on the file of the Judicial Magistrate No.1 Court, Kulithalai, confirmed by the judgment dated 30.08.2023 made in Crl.A.No.86 of 2022 on the file of the Principal District Judge, Karur, pending disposal of the above 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 Sections 279 and 337 of IPC, and sentenced him to pay a fine of Rs.1,000/- and for the alleged offence under Section 338 (2 counts) and sentenced him to undergo simple imprisonment for a period of one month for each count and for the alleged offence under Section 304(A) of IPC and sentenced him to undergo simple imprisonment for a period of six months and to pay fine of Rs.2,000/-, in default to



CRL RC(MD) No.1115 of 2023

undergo simple imprisonment for a period of two weeks in C.C.No.62 of 2019 on the file of the Judicial Magistrate No.1 Court, Kulithalai.

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3.The learned Principal District Judge, Karur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.86 of 2022, dated 30.08.2023.

4.It is submitted by the learned counsel appearing 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.It is submitted by the learned Government Advocate (Crl.side) appearing for State that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

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 appearing 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.



CRL RC(MD) No.1115 of 2023

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8. Accordingly, the suspension of sentence petition is allowed and the sentence of the imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kulithalai;

(ii) the petitioner shall appear before said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision;

(iii) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate No.I, Kulithalai within a period of two weeks from the date of receipt of copy of this order. Hence, CrI.M.P(MD)No.14212 of 2023 is dismissed.

sd/-

09/10/2023

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/10/2023

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

VSD

TO

1 THE PRINCIPAL DISTRICT JUDGE,
KARUR.



CRL RC(MD) No.1115 of 2023

2 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4 THE INSPECTOR OF POLICE
THOGAIMALAI POLICE STATION, KARUR DISTRICT.

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

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-14897[I] dated 10/10/2023)

ORDER
IN
CRL MP(MD) Nos.14210 & 14212 of 2023
IN
CRL RC(MD) No.1115 of 2023
Date :09/10/2023

SS/VRS/10/10/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023