



CRL MP(MD) No.13912 of 2023

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

Tuesday, the Third day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL MP(MD) No.13912 of 2023

IN

CRL RC(MD) No.1085 of 2023

VIJAYAKUMAR

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 545/2013

... 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 Learned Principal District and Sessions court, Virudhunagar by its judgment dated 30.06.2023 in Crl A No. 31 of 2017 confirming the order passed by the Chief Judicial Magistrate court, Srivilliputhur in S.C.No.32 of 2015 dated 10.03.2017 and enlarge the petitioner on bail pending disposal of this Criminal Revision.

Prayer in CRL RC(MD). 1085/ 2023 :

To call for the records pertaining to the impugned order of the Learned Principal District and Sessions court, Virudhunagar dated 30.06.2023 passed in Crl A No. 31 of 2017 confirming the order passed by the Chief Judicial Magistrate court, Srivilliputhur in S.C.No.32 of 2015 dated 10.03.2017 and set aside the same by allowing this Criminal Revision Petition.



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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.RAJESHWARAN.K, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Virudhunagar, by its judgment dated 30.06.2023, in Crl.A.No.31 of 2017, confirming the order passed by the Chief Judicial Magistrate, Srivilliputhur, in S.C.No.32 of 2015 dated 10.03.2017 and enlarge the petitioner on bail.

2.Originally, the accused was convicted by the learned Chief Judicial Magistrate, Srivilliputhur, by its judgment dated 10.03.2017, passed in S.C.No.32 of 2015 to undergo one year rigorous imprisonment for the offence under Section 325 IPC and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo three months simple imprisonment. The fine amount has already been paid by the petitioner/appellant before the trial Court. Against the said conviction and sentence, he preferred an appeal before the learned Principal District and Sessions Judge, Virudhunagar, in Crl.A.No.31 of 2017 and a judgment was passed on 30.06.2023 as stated above.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



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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.The learned Additional Public Prosecutor appearing for the respondent submits that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

6.Both sides fairly concede that the petitioner is in the judicial custody for the past 90 days.

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

8.The learned counsel appearing for the petitioner pointed out 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.

9.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing a bond



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for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m. pending revision.

10. Accordingly, this Criminal Miscellaneous Petition is ordered.

sd/-

03/10/2023

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03/10/2023

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, VIRUDHUNAGAR.

2 THE CHIEF JUDICIAL MAGISTRATE, SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-14566[I] dated 03/10/2023)



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ORDER

IN

CRL MP(MD) No.13912 of 2023

IN

CRL RC(MD) No.1085 of 2023

Date :03/10/2023

RS//SAR-(03.10.2023) 5P 7C

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