



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

Tuesday, the Twentieth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.14060 of 2022
in
CRL A(MD) No.499 of 2022

RAMACHANDRAN

... PETITIONER/APPELLANT/SINGLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.130 OF 2016.

... RESPONDENT/RESPONDENT/COMPLAINANT

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 on the Petitioner/Appellant/Accused in SC.No.84 of 2017 dt.11.7.2022 on the file of the Addl.Dist and Sessions Judge, Dindigul.

Prayer in CRL A(MD).499/2022 :

To call for the records relating to the judgment in S.C.No.84/2017 dated 11.07.2022 on the file of the Additional District and Sessions Judge, Dindigul and set aside the same and acquit the appellant / accused from the charge leveled against the petitioner.

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.VENKATESWARAN R, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.84 of 2017, dated 11.07.2022 on the file of the learned Additional District and Sessions Judge, Dindigul and release the petitioner on bail till the disposal of the Criminal Appeal.



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

3. There have been five eye witnesses i.e., P.W.1 to P.W.5 on behalf of the prosecution. The trial Court in the judgment, which is impugned in the appeal, has categorically stated that the prosecution has not proved the case by eye witnesses P.W.2 to P.W.5. Therefore, that has not been taken into account by the trial Court. However, by taking into account the evidence of P.W.1, the trial Court has convicted the petitioner / accused.

4. We have perused the evidence of P.W.1. Since there has been some discrepancies in the evidence of P.W.1 between chief examination and cross-examination and moreover, the petitioner has been in jail for nearly about one year and there has been no previous antecedents against the petitioner, considering all these aspects, we are inclined to suspend the sentence imposed against the petitioner. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment is suspended subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Natham;

(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 learned District Munsif Cum Judicial Magistrate, Natham, once in a month, the first such appearance shall be made insofar as June, 2023 is concerned, on 26.06.2023 at 10.30 a.m. and subsequently, on the first working day of every English Calendar month he shall appear before the learned Judicial Magistrate concerned at 10.30 a.m. until further orders and if he is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.

sd/-

20/06/2023

/ TRUE COPY /

21/06/2023

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, NATHAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.

5 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-9168[I] dated 20/06/2023)

ORDER

IN

CRL MP(MD) No.14060 of 2022

in

CRL A(MD) No.499 of 2022

Date :20/06/2023

RS/VR/SAR-(21.06.2023) 3P 8C