



CRL MP(MD) No.14863 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.14863 of 2023

IN

CRL RC(MD) No.1165 of 2023

KARTHIKEYAN

... PETITIONER/REVISION PETITIONER

Vs

THE INSPECTOR OF POLICE  
THIRUKKOGARNAM POLICE STATION,  
PUDUKOTTAI,  
PUDUKOTTAI DISTRICT.  
(IN CRIME NO.174/2016).

... 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 of the petitioner imposed by judgment dt 18.10.2022 in C.C.No.30/2017 on the file of learned Assistant Sessions Judge(Chief Judicial Magistrate) Pudukkottai Confirmed in Judgment dt 28.06.2023 made in Crl.A.No.55/2022 on the file of Additional District-cum-Sessions Court, Pudukkottai, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1165/ 2023 :

To call for the records pertaining to the judgement dt 28.06.2023 made in Crl.A.No.55/2022 on the file of Additional District Cum Sessions Court Pudukottai Confirming the judgment dt 18.10.2022 in C.C.No.30/2017 on the file of Learned Assistant Sessions Judge(Chief Judicial Magistrate), Pudukkottai, set aside the same and allow the Criminal Revision.



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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.RAMANATHAN AN., Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate(crl.side) on behalf of the Respondent, While admitting the Criminal Revision Case, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Assistant Sessions Judge (Chief Judicial Magistrate), Pudukkottai, in C.C.No.30 of 2017, dated 18.10.2022, which was confirmed in Criminal Appeal No.55 of 2022, dated 28.06.2023 by the Additional District-Cum-Sessions Court, Pudukkottai, enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

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 of three months and to pay a fine of Rs.1000/- (Rupees One Thousand only), in default, to undergo two weeks Simple Imprisonment in C.C.No.30 of 2017, on the file of the learned Assistant Sessions Judge (Chief Judicial Magistrate), Pudukkottai.

3. The learned Additional District-Cum-Sessions Court, Pudukkottai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.55 of 2022, dated 28.06.2023. Challenging the same, the Criminal Revision Case has been filed before



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this Court along with this miscellaneous petition.

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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 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



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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 Judicial Magistrate, Pudukkottai.

(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.

sd/-  
19/10/2023

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/10/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TTA  
TO  
1 THE ASSISTANT SESSIONS JUDGE  
(CHIEF JUDICIAL MAGISTRATE), PUDUKKOTTAI.

2 THE ADDITIONAL DISTRICT CUM  
SESSIONS JUDGE, PUDUKKOTTAI.

3 THE JUDICIAL MAGISTRATE,  
PUDUKKOTTAI.

<https://www.mmc.tn.gov.in/judis>



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4 THE INSPECTOR OF POLICE  
THIRUKKOGARNAM POLICE STATION,  
PUDUKOTTAI,  
PUDUKOTTAI DISTRICT.

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

**COPY TO:**

THE SECTION OFFICER,  
CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.(CALL FOR RECORDS)

+1 CC to M/s.AN.RAMANATHAN, Advocate ( SR-15528[I] dated 20/10/2023 )

ORDER  
IN  
CRL MP(MD) No.14863 of 2023  
IN  
CRL RC(MD) No.1165 of 2023  
Date :19/10/2023

SA/VRS/SAR. /31.10.2023/5P/8C

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