



CRL MP(MD) No.18233 of 2023

WEB COPY

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

Friday, the Twenty Second day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.18233 of 2023

IN

CRL RC(MD) No. 1443 of 2023

KATHIRVEL

... PETITIONER/PETITIONER

Vs

THE SUB INSPECTOR OF POLICE
MAYANUR POLICE STATION,
KRISHNARAYAPURAM TALUK,
KARUR DISTRICT.
CRIME NO.7 OF 2014.

... 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 execution of Sentence imposed on the Petitioner by the District Munsiff cum Judicial Magistrate, Krishnarayapuram in CC.No.22 of 2021 dt.27.12.2021 and confirmed by the Principal District Judge, Karur in CA.No.12 of 2022 dated 23rd September 2022 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 1443/ 2023 :

To call for records and set aside the conviction and the sentence imposed on the Petitioner by the District Munsiff cum Judicial Magistrate, Krishnarayapuram in CC.No.22 of 2021 dt.27.12.2021 and confirmed by the Principal District Judge, Karur in Criminal Appeal No. 12/2022 dated 23rd September 2022 and acquit the petitioner.



CRL MP(MD) No.18233 of 2023

WEB COPY

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.SIVAKUMAR RM., Advocate for the petitioner and of MR.K.SANJAY GANDHI, government Advocate 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 District Munsif Cum Judicial Magistrate, Krishnarayapuram, in C.C.No.22 of 2021, dated 27.12.2021, which was confirmed in Criminal Appeal No.12 of 2022, dated 23.09.2022 by the learned Principal District Judge, Karur, 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 on 27.12.2021 for the alleged offence under Section 324 of Indian Penal Code and sentenced him to undergo 24 months simple Imprisonment and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo three months Simple Imprisonment in C.C.No.22 of 2021, on the file of the learned District Munsif Cum Judicial Magistrate, Krishnarayapuram.

3. The learned Principle District Judge, Karur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.12 of 2022, dated 23.09.2022. Challenging the same, the Criminal Revision Case has been filed before this Court



CRL MP(MD) No.18233 of 2023

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 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



CRL MP(MD) No.18233 of 2023

petitioner shall execute 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 District Munsif Cum Judicial Magistrate, Krishnarayapuram,

(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/-
22/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1 THE DISRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KRISHNARAYAPURAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.



CRL MP(MD) No.18233 of 2023

WEB COPY

- 3 THE PRINCIPAL DISTRICT JUDGE
KARUR.
- 4 THE SUB INSPECTOR OF POLICE
MAYANUR POLICE STATION,
KRISHNARAYAPURAM TALUK,
KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1 CC to M/s.RM.SIVAKUMAR, Advocate (SR-18252[I] dated 22/12/2023)

ORDER
IN
CRL MP(MD) No.18233 of 2023
IN
CRL RC(MD) No. 1443 of 2023
Date :22/12/2023

PKP/DD/SAR- /05.01.2024/ 5P/ 8C

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