



CRL MP(MD) No.16513 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Fifth day of December Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.16513 of 2023
in
CRL RC(MD)No.1292 of 2023

MURUGANANDHAM
NOW CONFINED AT THE CENTRAL PRISON,
TRICHY , TRICHY DISTRICT ... PETITIONER/PETITIONER
Vs

THE SPECIAL SUB INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
ORATHANADU,
THANJAVUR DISTRICT.
(CRIME NO.390 OF 2018) ... 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 on the petitioner by the judgment dated 02.09.2023 passed in C.A.No.92/2022 on the file of the 3rd Additional District and Sessions Court Thanjavur @ Pattukottai confirming the judgment dated 10.10.2022 passed in CC No.23 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Orathanadu, Thanjavur District and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 1292/ 2023 :

To call for the records of the Judgment dt 2.9.2023 passed in C.A.No.92/2022 on the file of the 3rd Additional District and Sessions Court Thanjavur@Pattukottai confirming the judgment dated 10.10.10.2022 passed in CC.No.23/2019 on the file of the District Munsif cum Judicial Magistrate Court, Orathanadu, Thanjavur District and set aside the same.



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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 Mr.N.PRAGALATHAN, Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate on behalf of the Respondent while admitting the Criminal Revision Case.,, the Court made the following order:-

Reserved on : 24.11.2023

Delivered on : 05.12.2023

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned District Munsif Cum Judicial Magistrate Court, Orathanadu, Thanjavur District, in C.C.No.23 of 2019, dated 10.10.2022, which was confirmed in Criminal Appeal No.92 of 2022, dated 02.09.2023 by the learned 3rd Additional District and Sessions Court, Thanjavur @ Pattukottai, enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The case of the prosecution is that due to the land dispute between the petitioner and the defacto complainant, on 05.11.2018 at about 05.00 p.m, the defacto complainant was standing in his land, at that time, the petitioner came into the land and scolded the defacto complainant in filthy language and also attacked him with shovel on his hands. Thereafter, the defacto complainant has given a complaint against the petitioner and the same was registered in crime No.390 of 2018 for the



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alleged offences under Section 294(b), 324 and 506(ii) of IPC. After completing the investigation, the respondent police has filed final report for the alleged offences under Section 294(b), 326 and 506(ii) of IPC before the District Munsif Cum Judicial Magistrate Court, Orathanadu, Thanjavur District, and the same was taken on file in C.C.No.23 of 2019.

3. The learned counsel appearing for the petitioner submitted that after full trial, the petitioner was convicted by the trial Court on 10.10.2022 for the alleged offence under Section 326 of Indian Penal Code and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) as compensation to the defacto complainant and for the offence under Section 506 (ii) of Indian Penal Code, he was sentenced to undergo simple imprisonment for a period of six months and he was acquitted for the offence under Section 294 (b) of IPC in C.C.No.23 of 2019, on the file of the District Munsif Cum Judicial Magistrate Court, Orathanadu, Thanjavur District.

4. The learned 3rd Additional District and Sessions Court, Thanjavur @ Pattukottai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.92 of 2022, dated 02.09.2023. Challenging the same, the Criminal



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Revision Case has been filed before this Court along with this miscellaneous
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petitions.

5. The learned counsel for the petitioner submitted that both Courts below failed to note that the occurrence was happened on 05.11.2018, but the defacto complainant went to the hospital only on 09.11.2018 and also submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

6. 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.

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 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



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revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such and also considering the period of incarceration, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

9. 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 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 District Munsif Cum Judicial Magistrate Court, Orathanadu, Thanjavur District.

(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



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(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/-
05/12/2023

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05/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

- 1 THE 3RD ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI.
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE SPECIAL SUB INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
ORATHANADU,
THANJAVUR DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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6 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.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-17281[I] dated 05/12/2023)

ORDER
IN
CRL MP(MD) No.16513 of 2023
in
CRL RC(MD)No.1292 of 2023
Date :05/12/2023

SS/SAR- /05/12/2023/7P/9C

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