



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

Wednesday, the Fourth day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

WEB COPY

CRL MP(MD) No.2 of 2023

IN

CRL RC(MD) No.2 of 2023

CHANDRU @ SUBRAMANIAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.115 OF 2019.

... RESPONDENT/RESPONDENT

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 upon Petitioner in CA.No.78 of 2021 on the file of the II-Additional District and Sessions Judge, Trichy dt.4.11.2022 confirming the conviction and sentence made in CC.No.145 of 2020 on the file of the Learned Judicial Magistrate, Lalgudi dated.10.11.2021 and enlarge petitioner on bail pending disposal of the main Criminal Revision Case.

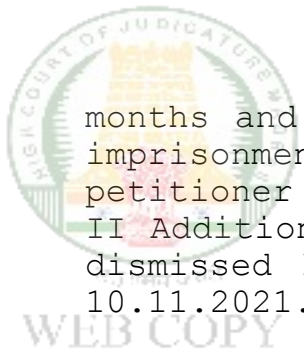
Prayer in CRL RC(MD). 2/ 2023 :

To call for the records to the judgment of the Learned II-Additional District and Sessions Judge, Trichy passed in CA.No.78 of 2021 dt.4.11.2022 confirming the conviction and sentence of the Petitioner imposed by the Learned Judicial Magistrate, Lalgudi in CC.No.145 of 2020 dated 10.11.2021 and set aside the same.

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.LENIN KUMAR T, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.145 of 2020, dated 10.11.2021 on the file of the learned Judicial Magistrate, Lalgudi and confirmed in C.A.No.78 of 2021, dated 04.11.2022 on the file of the learned II Additional District and Sessions Judge, Trichy, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the alleged offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 and sentenced to undergo simple imprisonment for a period of six



months and to pay a fine of Rs.1000/- in default to undergo imprisonment for a period of one month. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.78 of 2021, before the II Additional District and Sessions Judge, Trichy, and the same was dismissed by confirming the judgment in C.C.No.145 of 2020 dated 10.11.2021. Hence, the petitioner seeks suspension of sentence.

3.The learned counsel appearing for the petitioner would submit that the trial Court as well as the appellate Court failed to look into the ingredients of Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 and passed the sentence upon the petitioner.

4.In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the 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 Judicial Magistrate, Lalgudi, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-

04/01/2023

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/01/2023

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

TTA

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TRICHY.
- 2 THE JUDICIAL MAGISTRATE, LALGUDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.LENIN KUMAR T Advocate SR.No.165

ORDER IN

CRL MP(MD) No.2 of 2023

IN CRL RC(MD) No.2 of 2023

Date :04/01/2023

SA/VR/SAR. /25.01.2023/2P/7C

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