



CRL RC(MD) No.1250 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Tenth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) Nos.15802 and 15803 of 2023

IN

CRL RC(MD) No.1250 of 2023

V.SEENIVASAN

... PETITIONER/ APPELLANT/RESPONDENT
in BOTH THE PETITIONS

Vs

1 THANGAM

2 MINOR PRABHU @ PREETHI

... RESPONDENTS/RESPONDENTS/
COMPLAINANTS
in BOTH THE PETITIONS

REP BY THE MOTHER/NATURAL GUARDIAN
THE 1ST RESPONDENT HEREIN

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 by the learned III Additional District and Sessions Judge, Tirunelveli in C.A No.52/2018 dated 07.10.2023 by confirming the judgement and conviction passed by the Learned Judicial Magistrate No.III, Tirunelveli in S.T.C.No.162 of 2012 dated 08.05.2018 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble Court.



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Prayer in CRL MP(MD). 15803/ 2023 :

To pass an order of exempting the petitioner from surrendering pursuant to the judgment passed by the learned III Additional District and Sessions Judge, Tirunelveli in C.A No.52/2018 dated 07.10.2023 by confirming the judgment and conviction passed by the Learned Judicial Magistrate No.III, Tirunelveli in S.T.C.No.162 of 2012 dated 08.05.2018 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 1250/ 2023 :

To call for the entire records pertaining to the judgment passed by the learned III Additional District and Sessions Judge, Tirunelveli in C.A No.52/2018 dt.07.10.2023 by confirming the judgment and conviction passed by the learned Judicial Magistrate No.III, Tirunelveli in S.T.C.No.162 of 2012 dated 08.05.2018 and set aside the same and consequently acquit the petitioner honorably.

Common Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.ANAND R., Advocate for the petitioner in both the petitions while admitting the Criminal Revision Case., the Court made the following order:-

These petitions have been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.III, Tirunelveli in S.T.C.No.162 of 2012, dated 08.05.2018, which was confirmed by the learned III Additional District and Sessions Judge, Tirunelveli in C.A.No.52 of 2018 dated 07.10.2023 pending disposal of the Criminal Revision Case and for exemption of his surrender pursuant to the aforesaid judgment.



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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 31 of the Protection of Women From Domestic Violence Act, 2005, and sentenced him to undergo simple imprisonment for a period of three months and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of one month in S.T.C.No.162 of 2012 on the file of the learned Judicial Magistrate No.III, Tirunelveli.

3.The learned III Additional District and Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.52 of 2018 dated 07.10.2023

4.It is submitted by the learned counsel appearing 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. This Court has carefully considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

6.The learned counsel appearing 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



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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.

7. Accordingly, the suspension of sentence petition is allowed and the sentence of the imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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 No.III, Tirunelveli.

(ii) the petitioner shall appear before said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision;

(iii) the learned counsel appearing for the petitioner seeks permission of this Court to not press this petition and he has also made an endorsement to that effect.

Hence, Crl.M.P(MD)No.15803 of 2023 stand dismissed as not pressed.

sd/-

10/11/2023

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/11/2023

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

VSD



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TO
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- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

+1 CC to M/s.R.ANAND, Advocate (SR-16243[I] dated 10/11/2023)

ORDER
IN
CRL MP(MD) Nos.15802 and 15803 of 2023
IN
CRL RC(MD) No.1250 of 2023
Date :10/11/2023

SS/VRS/SAR- /23/11/2023/5P/6C

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