



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

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

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16209 of 2022

IN

CRL RC(MD) No.1275 of 2022

SANKAR @ BALACHANDAR

... PETITIONER/PETITIONER

Vs

State Rep.by
THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THANJAVUR.
(CRIME NO.5/2005)

... RESPONDENT/RESPONDENT

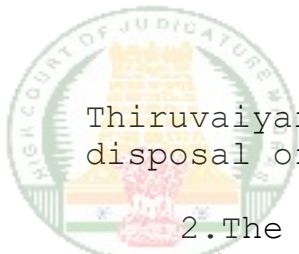
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of imprisonment and conviction dated 27.09.2022 made in Crl.A.No.34 of 2022 on the file of the learned Principal Sessions Judge, Thanjavur confirming the judgment conviction dated 26.04.2022 made in C.C.No.171 of 2019 on the file of the learned Judicial Magistrate, Thiruvaiyaru, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD).1275/2022 :

To call for the records and set aside the judgment passed in Criminal Appeal Number 34 of 2022 by the Learned Principal Sessions Judge, Thanjavur dated 27.09.2022 confirming the conviction and sentence in C.C.No.171 of 2019 on the file of the Learned Judicial Magistrate, Thiruvaiyaru dated 26.04.2022 and acquit the Appellant of all the charges.

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.GEETHA D, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Principal Sessions Judge, Thanjavur, in Crl.A.No.34 of 2022, dated 27.09.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate,



Thiruvaiyaru, in C.C.No.171 of 2009 dated 26.04.2022, disposal of the Criminal Revision.

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 170, 420 r/w 109 of IPC and sentenced him to undergo two years of rigorous imprisonment and fine of Rs.10,000/- in default to undergo three months simple imprisonment for the offence under Section 170 of IPC and for the offence under Section 420 r/w 109 of IPC sentenced him to undergo three years of rigorous imprisonment and fine of Rs.10,000/- in default to undergo three months of simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that the revision petitioner is neither an employee nor a person who was present at that time of occurrence, he is only the visitor in the Sub-Registrar office. There is no evidence on record that the revision petitioner had any role in making the entries in the remittance challans. No specific allegations made against the revision petitioner is proved before the trial Court or before the appellate Court. That was not taken into account.

4.Considering the submission of the learned counsel for the petitioner, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and 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 Judicial Magistrate, Thiruvaiyaru, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

19/01/2023

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19/01/2023

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

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TO

1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



4 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
THANJAVUR.

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

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+1. C.C. to M/S.GEETHA D Advocate SR.No.795[I]

ORDER

IN

CRL MP(MD) No.16209 of 2022

IN

CRL RC(MD) No.1275 of 2022

Date :19/01/2023

RS/SSS/SAR.(19.01.2023) 3P-7C