



CRL MP(MD) No.17284 of 2023

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

Thursday, the Fourteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P(MD).No.17284 of 2023

in

CRL.R.C(MD).No.1356 of 2023

S.SUYAMBU

... PETITIONER/REVISION

PETITIONER

Vs

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE
MANDAIKADU POLICE STATION,
MANDAIKADU,
THOROUGH THE PUBLIC PROSECUTOR,
NAGERCOIL.

... 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 passed in Crl.A.No.18/2008 dated 20.10.2022 on the file of the Additional District and Sessions Judge at Padmanabhapuram confirming the judgment in CC.No.81/1999, dated 09.01.2008 on the file of learned Judicial Magistrate Court, Eraniel pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1356/ 2023 :

To call for the records in Crl.A.No.18/2008 dated 20.10.2022 on the file of the Additional District and Sessions Judge, Padmanabhapuram, confirming the order passed in CC.No.81/1999 dated 09.01.2008 on the file of learned Principal District Munsif cum Judicial Magistrate , Eraniel allow the appeal.



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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 M/S.LENIN.C.S, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate on behalf of the Respondent, the court made the following order:-

Reserved on : 08.12.2023

Pronounced on : 14.12.2023

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Additional District and Sessions Judge at Padmanabhapuram passed in Crl.A.No.18 of 2008, dated 20.10.2022, confirming the judgment passed by the learned Principal District Munsif cum Judicial Magistrate, Eranial in C.C.No.81 of 1999 dated 09.01.2008 and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The case of the prosecution is that the defacto complainant sold Kattadikampu to the petitioner/Accused for a sum of Rs.400/- and the defacto complainant demanded the said amount. Due to that, on 12.08.1988 at about 16.00 hours when the defacto complainant going to Padarnilam, the accused waylaid the defacto complainant and attacked him with a knife and caused grievous injuries on the left hand of the defacto complainant and caused simple injuries on the head of the defacto complainant. Therefore, the petitioner/Accused committed the offence under



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Sections 324 and 326 of IPC. After completion of investigation, final report was filed before the learned Principal District Munsif cum Judicial Magistrate, Eraniel and the same was taken on file in C.C.No.81 of 1999. On appearance of the accused, the trial Court framed the charges for the offence under Section 326 of IPC and questioned the accused and the accused denied the charges framed against him.

3.The learned Principal District Munsif cum Judicial Magistrate, Eraniel after considering both sides evidences and both side arguments, has convicted the petitioner/accused for the offence under Section 326 of IPC and sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of three months by passing impugned judgment dated 09.01.2008. The learned Additional District and Sessions Judge, Padmanabhapuram, confirmed the conviction and sentence and dismissed the Criminal Appeal No.18 of 2008 on 20.10.2022.

4. Challenging the above said conviction and sentence, the petitioner preferred the present Criminal Revision Case along with the above Miscellaneous Petition seeking suspension of sentence.



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5. 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.

6. The learned Government Advocate (Crl.side) appearing for the respondent submits that there are enough materials available on record against the petitioner and hence he strongly 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 appearing for the petitioner pointed out 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.

9. Accordingly, this petition is allowed and the substantive sentence of



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imprisonment alone is suspended pending disposal of the Criminal Revision Case on the following conditions:-

(i) The petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate, Eraniel;

(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/Accused 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/-
14/12/2023

/ TRUE COPY /

14/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PADMANABHAPURAM.



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2. THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ERANIAL.

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

4. THE SUPERINTENDENT, CENTRAL PRISON
PALAYAMKOTTAI.

5. THE SUB INSPECTOR OF POLICE
MANDAIKADU POLICE STATION,
MANDAIKADU,
THROUGH THE PUBLIC PROSECUTOR,
NAGERCOIL.

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

+1CC to M/s. T.WINS, Advocate SR-17831 dated 15/12/2023

ORDER
IN
CRL.M.P(MD).No.17284 of 2023
in
CRL.R.C(MD).No.1356 of 2023
Date :14/12/2023

SSA/14.12.2023/6P/8C

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