



CRL MP(MD) No.17546 of 2023

**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 MP(MD) No.17546 of 2023
in
CRL RC(MD)No. 1381 of 2023**

1 GOVINTHAN

2 PARAMASIVAM

3 GOVINTHARAJ

**... PETITIONERS/PETITIONERS
/ APPELLANTS/ ACCUSED 1 TO 3**

Vs

**THE INSPECTOR OF POLICE
VANNIYAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.183 OF 2006.**

**... RESPONDENT/RESPONDENT
/RESPONDENT/COMPLAINANT**

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order suspending the sentence imposed on the Petitioner by the Learned Judicial Magistrate No.II,Srivilliputhur,Virudhunagar District made in CC.No.82 of 2009 dt.26.3.2014 as confirmed subsequently by the Learned Additional District and Sessions Judge, Srivilliputhur made in C.A.No. 59 of 2014 dated 26.09.2023 pending disposal of the abvoe revision.



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Prayer in CRL RC(MD). 1381/ 2023 :

To call for the records and set aside the order of conviction and sentence imposed on the Petitioners by the Learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District made in CC.No.82 of 2009 dt.26.03.2014 as confirmed subsequently by the Learned Additional District Sessions Judge, Srivilliputhur made in C.A.No. 59 of 2014 dated 26.09.2023.

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.B.JEYAKUMAR, 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:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, in C.C.No.82 of 2009, dated 26.03.2014, which was confirmed in Criminal Appeal No.59 of 2014, dated 26.09.2023 by the learned Additional District and Sessions Judge, Srivilliputhur, enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

2. The learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the judgment dated 26.03.2014 in C.C.No.82

of 2009 by convicting the petitioners as follows :

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



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Accused Nos.	Offence	Sentence	Fine	In default sentence
1 to 3	465 of IPC	One year rigorous imprisonment	Rs.1,000/-	Three months simple imprisonment
	468 of IPC	one year rigorous imprisonment	Rs.1,000/-	three months simple imprisonment
	471 of IPC	one year rigorous imprisonment	Rs.1,000/-	three months simple imprisonment
2 and 3	465 of IPC	one year rigorous imprisonment	Rs.1,000/-	three months simple imprisonment

3. The learned Additional District and Sessions Judge, Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.59 of 2014, dated 26.09.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.



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5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel for the petitioners 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 hearing in the near future and as such, this Court is of the considered view that the petitioners herein is entitled to the relief of grant of suspension of sentence.

8. 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 petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the

learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District.



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(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 petitioners 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 /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SRIVILLIPUTHUR.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



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4 THE INSPECTOR OF POLICE
VANNIYAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-17743[I] dated 14/12/2023)

ORDER
IN
CRL MP(MD) No.17546 of 2023
in
CRL RC(MD)No. 1381 of 2023
Date :14/12/2023

PKP/VR/SAR- /05.01.2024/ 6P/ 7C

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