



CRL.M.P(MD).No.16858 of 2023

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

Thursday, the Thirtieth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P(MD).No.16858 of 2023
in
CRL.R.C(MD).No.1321 of 2023

M.SARAVANAN

... PETITIONER/REVISION PETITIONER

Vs

THE SUB INSPECTOR OF POLICE
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.310 OF 2011)

... 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 passed in S.T.C.No.68 of 2017 on the file of Judicial Magistrate, Alangulam dt.30.04.2021 which is confirmed in Crl.A.No.49 of 2021 on the file of Additional District and Sessions Court, Tenkasi dt.05.10.2023 pending disposal of the above revision petition.

Prayer in CRL RC(MD). 1321/ 2023 :

To set aside the order of the learned Judge in Crl.A.No.49 of 2021 in Additional District and Session Court, Tenkasi dt.05.10.2023 confirming the conviction made in S.T.C.No.68 of 2017 on the file of Judicial Magistrate, Alangulam dt.30.04.2023.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S. KUMAR, Advocate for the petitioner and of MR.T.MANIKANDAN, Government Advocate on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate, Alangulam, in S.T.C.No.68 of 2017, dated 30.04.2021, which was confirmed in Criminal Appeal No.49 of 2021, dated 05.10.2023 by the learned Additional District and Sessions Court, Tenkasi, enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 30.04.2021 for the alleged offence under Section 341 of Indian Penal Code, the petitioner was directed to pay a fine of Rs.500/- (Rupees Five Hundred Only) in default, to undergo one month Simple Imprisonment and for the offence under Section 323 of Indian Penal Code, he was sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.1,000/-, in default, to undergo one month Simple Imprisonment in S.T.C.No.68 of 2017, on the file of the learned Judicial Magistrate, Alangulam.

3. The learned Additional District and Sessions Court, Tenkasi, confirmed the conviction and sentence and dismissed the Criminal Appeal No.49 of 2021, dated 05.10.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with these miscellaneous petitions.



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4. It is submitted by the learned counsel 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. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner 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 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 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.

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



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imprisonment alone is suspended pending disposal of the revision with the following

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directions:-

(i) 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 learned Judicial Magistrate, Alangulam.

(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 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/-
30/11/2023

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

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TO
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1. THE JUDICIAL MAGISTRATE, ALANGULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
3. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, TENKASI
- 4.THE SUB INSPECTOR OF POLICE
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P(MD).No.16858 of 2023
in
CRL.R.C(MD).No.1321 of 2023
Date :30/11/2023

RK/DD(11/12/2023) 5P / 6C

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