



CRL MP(MD) No.17763 of 2023

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

Tuesday, the Nineteenth day of December Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI
CRL MP(MD) No.17763 of 2023
in
CRL RC(MD) No.1405 of 2023

S.SASIKUMAR

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

... 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 against petitioner Judgment in C.A.NO.75 of 2022 on the file of the Learned Additional District and Sessions Judge, Dindigul dt.01.11.2023 in C.C.No.46 of 2021 on the file of Learned District Munsif Cum Judicial Magistrate Court, Natham, Dindigul District dated 26.08.2022 pending disposal of the above Criminal Appeal.

Prayer in CRL RC(MD). 1405/ 2023 :

To call for the entire records and set-aside the conviction imposed by the Learned Additional District and Sessions Judge, Dindigul C.A.No.75 of 2022 by Judgment dt.01.11.2023 confirming the conviction and the sentence imposed by the Learned District Munsif Cum Judicial Magistrate Court, Natham, Dindigul District in C.C.No.46 of 2021 dated 26.08.2022 and allow the present Criminal Revision Petition.

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.V.MUTHUSAMUNDEESWARAN, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) 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 District Munsif Cum Judicial Magistrate Court, Natham, Dindigul District, in C.C.No.46 of 2021, dated 26.08.2022, which was confirmed in Criminal Appeal No.75 of 2022, dated 01.11.2023 by the learned Additional District and Sessions Judge, Dindigul, 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 26.08.2022 for the alleged offence under Section 304(A) of Indian Penal Code and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/-, in default, to undergo three months Simple Imprisonment in C.C.No.46 of 2021, on the file of the learned District Munsif Cum Judicial Magistrate Court, Natham, Dindigul District.

3. The learned Additional District and Sessions Judge, Dindigul, confirmed the conviction and sentence and dismissed the Criminal Appeal No.75 of 2022, dated 01.11.2023. 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 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.



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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 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 imprisonment alone is suspended pending disposal of the revision with the following 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate Court, Natham, Dindigul.



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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 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/-

19/12/2023

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/01/2024

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

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TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, NATHAM,
DINDIGUL DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE, NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.V.MUTHU SAMUNDEESWARAN, Advocate (SR-17961[I] dated
19/12/2023.)

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



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ORDER

IN

CRL MP(MD) No.17763 of 2023

in

CRL RC(MD) No.1405 of 2023

Date :19/12/2023

RS/JGB/SAR-(04.01.2024) 5P 7C

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