



CRL MP(MD) No.17698 of 2023

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

Monday, the Eighteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.17698 of 2023

IN

CRL RC(MD) No.1400 of 2023

1 HAJA MOHAIDEEN

2 BENAZIR BANU

... PETITIONERS/PETITIONERS

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TENKASI,
CR.NO.21/2017

... 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 of Imprisonment imposed on the petitioners by learned Additional Sessions Judge, Tenkasi in C.A No. 64 of 2022 dt. 08.11.2023 confirmed the judgment by the learned Judicial Magistrate, Tenkasi in C.C No. 356 of 2018 dt.13/09/2022 and enlarge the petitioner on bail pending disposal of the above said Criminal Revision Petition.

Prayer in CRL RC(MD). 1400/ 2023 :

To call for the records pertaining to the order passed in C.C No. 356 of 2018 on the file of the learned Judicial Magistrate, Tenkasi dt. 13.09.2022 confirmed by Learned Additional Sessions Judge, Tenkasi in C.A No. 64 of 2022 dt. 08.11.2023 and set aside the same.

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



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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 Mr.G.SAKTHI RAO, Advocate for the petitioner and of Mr.K.SANJAY GANDHI, Government Advocate(crl.side) 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, Tenkasi, in C.C.No.356 of 2018, dated 13.09.2022, which was confirmed in Criminal Appeal No.64 of 2022, dated 08.11.2023 by the learned Additional Sessions Judge, Tenkasi, enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 13.09.2022 for the alleged offence under Section 147 of Indian Penal Code, he was directed to pay a fine of Rs.1,000/-, in default, to undergo two weeks Simple Imprisonment, for the offence under Section 498(A) of Indian Penal Code, he was sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default, to undergo two weeks Simple Imprisonment and for the offence under Section 506(i) of Indian Penal Code, he was directed to pay a fine of Rs.1,000/- in default, to undergo two weeks Simple Imprisonment in C.C.No.356 of 2018, on the file of the learned Judicial Magistrate, Tenkasi.

3. The learned Additional Sessions Judge, Tenkasi, confirmed the conviction



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and sentence and dismissed the Criminal Appeal No.64 of 2022, dated 08.11.2023.

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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.

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



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directions:-

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(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, Tenkasi.

(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/-
18/12/2023

/ 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 ADDITIONAL SESSIONS JUDGE,
TENKASI.



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2 THE JUDICIAL MAGISTRATE,
TENKASI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TENKASI.

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

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL COR RECORDS)

+1 CC to M/s.G.SAKTHI RAO, Advocate (SR-17915[I] dated 18/12/2023)

ORDER
IN
CRL MP(MD) No.17698 of 2023
Date :18/12/2023

SA/DD/SAR. /04.01.2024/5P/8C

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