



CRL.M.P.(MD)No.18023 of 2023

WEB COPY

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

Friday, the Twenty Second day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P.(MD)No.18023 of 2023

in

CRL.R.C.(MD)No.1425 of 2023

1 RAJAMUNIYANDI
2 NATARAJAN
3 THANGAMUNI
4 PURUSHOTHAMAN
5 ANDAVAR
6 PULUGANDAVAR

... PETITIONERS/PETITIONERS/
APPELLANTS NO.1,3 TO 7/
ACCUSED NO.1,3 TO 7

Vs

THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.66 OF 2015.

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

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 imposed as against the petitioners/accused No.1, 3 to7 passed in C.C.518/2017 on the file of the Learned Judicial Magistrate No.II, Sivakasi, Virudunagar District 06.01.2021, confirming the said order passed by the Learned Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in C.A.No.10 of 2021 dated 18.10.2023, pending disposal of the above Criminal Revision Petition.



CRL.M.P.(MD)No.18023 of 2023

Prayer in CRL RC(MD). 1425/ 2023 :

To call for the records and set aside the order of conviction inflicted as against the petitioners passed in C.C.NO.518 of 2017 on the file of the Learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District dated 06.01.2021, confirming the said order passed by the Learned Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in C.A.No.10 of 2021 dated 18.10.2023.

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.M.JEGADEESH PANDIAN, Advocate for the petitioners 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 petition has been filed to suspend the sentence imposed against the petitioners/Accused Nos.1, 3 to 7 passed in C.C.No.518 of 2017, dated 06.01.2021 on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, which was confirmed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in C.A.No.10 of 2021, dated 18.10.2023 pending disposal of the Criminal Revision Case.

2. The case of the prosecution is that due to previous enmity between P.W.1 and Accused No.1, all the accused persons abused the P.W.1 to PW.4 by using filthy language and assaulted P.W.1 to P.W.4 and caused injury and also threatened them with dire consequences. Based on the complaint given by P.W.1/Muniandavar, F.I.R. was registered in Crime No.66 of 2015 for the offence under Sections 147, 148, 341,



CRL.M.P.(MD)No.18023 of 2023

294(b), 323, 324 and 506(2) of IPC. After completion of investigation, final report was filed before the learned Judicial Magistrate No.2, Sivakasi, Virudhunagar District and the same was taken on file in C.C.No.518 of 2017.

3. Before the trial Court, on the side of the prosecution, 14 witnesses have been examined as P.W.1 to P.W.14 and 13 documents were marked as Ex.P1 to Ex.P13. On the side of the accused no witnesses was examined and no documents was marked.

4. The learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 06.01.2021 by convicting the petitioners as follows :

Accused Nos.	Offence	Sentence	Fine	In default sentence
Accused No.1	Under Section 148 of IPC	6 months simple imprisonment	-	-
	Under Section 324 of IPC	1 year simple imprisonment	Rs.1,000/-	3 months simple imprisonment



CRL.M.P.(MD)No.18023 of 2023

Accused No.3	Under Section 148 of IPC	6 months simple imprisonment	-	-
	Under Section 324 of IPC	1 year simple imprisonment	Rs.1,000/-	3 months simple imprisonment
Accused No.5	Under Section 148 of IPC	6 months simple imprisonment	-	-
	Under Section 323 of IPC	6 months simple imprisonment	Rs.500/-	3 months simple imprisonment
Accused Nos.4, 6 & 7	Under Section 147 of IPC	3 months simple imprisonment	-	-
	Under Section 341 of IPC	1 month simple imprisonment	-	-

5. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.10 of 2021 dated 18.10.2023. Challenging the judgment of the appellate Court, the petitioners/Accused Nos.1, 3 to 7 have preferred the present revision along with the above application for suspension of sentence.



CRL.M.P.(MD)No.18023 of 2023

WEB COPY

6. It is submitted by the learned counsel appearing 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.

7. It is submitted by the learned Government Advocate (Crl.side) appearing for State that there are enough materials available on record against the petitioners and prays for dismissal of this petition.

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

9. The learned counsel appearing 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 are entitled to the relief of grant of suspension of sentence.

10. Accordingly, the suspension of sentence petition is allowed and the sentence



CRL.M.P.(MD)No.18023 of 2023

of the imprisonment alone is suspended pending disposal of the revision on the
WEB COPY
following conditions:-

(i) the petitioners are directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District ;

(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 at 10.30 a.m. on the first working day of every English Calendar month until further orders.

sd/-
22/12/2023

/ TRUE COPY /

/01/2024

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

vsd



CRL.M.P.(MD)No.18023 of 2023

TO
WEB COPY

1.THE JUDICIAL MAGISTRATE NO.II, SIVAKASI, VIRUDUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

4.THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-18373[I] dated
27/12/2023)

ORDER
IN
CRL.M.P.(MD)No.18023 of 2023
in
CRL.R.C.(MD)No.1425 of 2023
Date :22/12/2023

RK/JGB (08/01/2024) 7P / 7C

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