



CRL MP(MD) No.17743 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.17743 of 2023

in

CRL RC(MD)No. 1404 of 2023

PARAMASIVAM

... PETITIONER/PETITIONER

Vs

**THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.17/2009.**

... 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 imposed by Court of the Additional District and Sessions Judge, Srivilliputhur in CrI.A.No.91/2014 on 22/9/2023 in confirming the sentence imposed by the Judicial Magistrate Court No.II, Srivilliputhur in CC No.214/2009 ON 05.06.2014 and release the petitioner on bail pending disposal of the Criminal Revision Case.

Prayer in CRL RC(MD)No. 1404/ 2023 :

To call for the record and set aside the conviction and sentence imposed by the Additional District and Sessions Judge, Srivilliputhur in CrI.A.No.91/2014 on 22/9/2023 in confirming the conviction and sentence passed by Judicial Magistrate

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court No.II, Srivilliputhur, Virudhunagar District in C.C.No.214/2009 on 05.06.2014 and allow this 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.M.JOTHI BASU, 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 Court No.II, Srivilliputtur, in C.C.No.214 of 2009, dated 05.06.2014, which was confirmed in Criminal Appeal No.91 of 2014, dated 22.09.2023 by the learned Additional District and Sessions Judge, Srivilliputtur, 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 05.06.2014 for the alleged offence under Section 498(A) of Indian Penal Code and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo two months Simple Imprisonment in C.C.No.214 of 2009, on the file of the learned Judicial Magistrate Court No.II, Srivilliputtur.

3. The learned Additional District and Sessions Judge, Srivilliputtur, confirmed



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the conviction and sentence and dismissed the Criminal Appeal No.91 of 2014, dated 22.09.2023. 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 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 also considering the period of incarceration, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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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 Judicial Magistrate Court No.II, Srivilliputtur.

(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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19/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TTA
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR, VIRUDHUANGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SRIVILLIPUTHUR.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 6 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.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-18015[I] dated 19/12/2023)

ORDER

IN

CRL MP(MD) No.17743 of 2023

in

CRL RC(MD)No. 1404 of 2023

Date :19/12/2023

PKP/19.12.2023/ 5P/ 9C

Madurai Bench of Madras High Court is issuing certified

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