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Crl.O.P.No.21294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.21294 of 2024

1.Sanmugam

2.Nagalakshmi

... Petitioners

Vs.

State Rep.by

The Inspector of Police cum Station House Officer,

Kedar Police Station,

Villupuram District.

(Crime No.617 of 2023)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleased to set aside the impugned order passed by the learned Principal Sessions Judge, Villupuram in M.P.No.1 of 2024 in C.A.No.34 of 2024 dated 12.08.2024 and consequently suspended the sentence imposed in the conviction judgment passed by the learned Judicial Magistrate No.II, in C.C.No.63 of 2003, dated 23.04.2024 till the disposal of the above Criminal Appeal pending before the learned Principal Sessions Judge, Villupuram in C.A.No.34 of 2024.

For Petitioner : Mr.C.R.Gokulvisvas

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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2. It is suffice to add that the petitioner herein who is facing trial since 2002 had made all attempts to delay the process including the application before this Court seeking deferment of passing order till his 15 Interlocutory Applications filed before the trial Court disposed of at last of the hurdles put forth by the petitioner been over come and final order was passed by the trial Court. Against which the appeal is filed and pending. When the suspension of sentence sought the lower appellate Court has passed a detailed order which reads as below:-

“Both side heard. This Court already given opportunity to appear before the lower Court and conduct the enquiry. But they have committing the same mistake in the lower Court also. Even before the lower Court by stating that they filed some petitions before the Hon'ble High Court, but the petitions filed by



A2 was rejected by the Hon'ble High Court in S.R.Stage and also stated that some of the petitions are pending before this Court and subsequently she considered all the points and found guilty of the accused A1, A2, A4 to A6.

Now it is clearly proved that the petitioners are in the habit of drag on the matter without conducting the trial and sending so many petitions with false allegations against the Judicial Officer only with intention to protract the proceedings. Even today also he came and filed a petition by stating that the Court must direct the Public Prosecutor to file a counter and to pass orders. For which, he has no right to direct the Court to order the Public Prosecutor to file the counter. The learned Public Prosecutor seriously objected the petition and stated it is deserved to be dismissed.

In the lower Court also instead of cross examine the witness, they wanted to transfer the case to the Chief judicial Magistrate Court and also send unnecessary petitions against the Judge. Therefore, the lower Court taking into consideration of the available witness, passed orders, which shows that they are adopted the



same tactics without complying the order of the Court and now they are convicted, against which they have filed petition to suspend the sentence is not deserved for any leniency as their intention is only to drag on the matter. If the petition is allowed, there will be chance for absconding and further drag on the matter, the case is of the year 2002.

Taking into consideration of the oral submission made by the learned Public Prosecutor and also considering the nature and circumstances of the case, if the petitioners are released on bail, there will be chance for absconding and further drag the matter, this Court is not inclined to grant bail to the petitioners and accordingly this petition is dismissed.”

3. Heard both sides.

4. The learned counsel for the petitioner states that the petitioners are now represented by his counsel from Lok Adalat and the petitioners are ready to cooperate for the early disposal of the appeal.



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5. Recording the above said submission of the learned counsel for the petitioners, this Criminal Original Petition stands dismissed. The lower appellate Court is directed to take up the appeal out of turn and dispose of it as early as possible.

02.09.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Principal Sessions Judge, Villupuram

2.The Inspector of Police cum Station House Officer,
Kedar Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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