



CRL MP(MD) No.59 of 2024

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

Thursday, the Fourth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH
CRL MP(MD) No.59 of 2024
in
CRL RC(MD) No.6 of 2024

1 SENTHIL KUMAR
2 D.KALYANASUNDARAM
3 KARUPPASAMY

... Petitioners / Petitioners

Vs

THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID,
MADURAI DISTRICT.
(CRIME NO.26 OF 2012.)

... 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 upon the Petitioners in Crl.A.No.127 of 2019 on the file of the V-Additional District and Sessions Court,Madurai in dt.16.11.2023 confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.-III(CCIW),Madurai in C.C.No.78 of 2012 dated 03.10.2019 on the file of the Learned Judicial Magistrate No.II, Trichy dated 23.11.2022 and enlarge him on bail pending disposal of the main criminal revision case.

Prayer in CRL RC(MD). 6/ 2024 :

To call for the records pertaining to the judgment of the Learned V-Additional District and Sessions Court,Madurai in Crl.A.No.127 of 2019 dt.16.11.2023 confirming the conviction and sentence imposed by the Learned Judicial Magistrate-III(CCIW),Madurai in C.C.No.78 of 2012 dated 03.10.2019 and set aside the same.



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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 M/s.T.LENINKUMAR, Advocate for the petitioners and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the criminal revision case, the court made the following order:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against them by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.127 of 2019 dated 16.11.2023 and to enlarge the petitioners on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by the learned counsel for the petitioners that a case has been registered against the petitioners in Crime No.26 of 2012 on the file of the respondent/Inspector of Police, Civil Supplies CID, Madurai, for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w.7(1)(a)(ii) of the E.C. Act, 1955 and the same was taken on file in C.C.No.78 of 2012 before the learned Judicial Magistrate No.III (CCIW), Madurai. The petitioners were convicted and sentenced to undergo six months simple imprisonment and a fine of Rs.100/- with 15 days simple imprisonment in case of default. Challenging the above said conviction and sentence, the petitioners have preferred the Criminal Appeal before the V Additional District and Sessions Judge, Madurai, in Crl.A.No.127 of 2019 and the same was also dismissed on 16.11.2023. Challenging the concurrent findings, the petitioners have preferred the present Criminal Appeal



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along with the above Miscellaneous Petition seeking suspension of sentence.

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Learned counsel for the petitioners further submitted that though the prosecution failed to prove the allegation levelled against them and corroborate the evidence of prosecution witnesses and accordingly, learned counsel prays for suspension of sentence.

3. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the accused is in possession of PDS rice and both the Courts have found them guilty and accordingly, the learned Additional Public Prosecutor prays for dismissal of this petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the arguable points of the petitioners and the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.127 of 2019 dated 16.11.2023 alone is suspended subject to the following conditions:-

i) The petitioners shall execute a bond for a sum of Rs.25,000/-



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(Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned V Additional District and Sessions Judge, Madurai.

ii) The petitioners shall appear and sign before the learned V Additional District and Sessions Judge, Madurai, on the first working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, if the petitioners are unable to appear before the Court on the first working day of a month, they shall appear on the next working day.

iv) The petitioners shall furnish their residential address and mobile number to the Trial Court ie., learned V Additional District and Sessions Judge, Madurai.

7. Subject to the above conditions, this Petition is allowed.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM



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To

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1.The V Additional District and Sessions Judge,
Madurai.

2.The Judicial Magistrate No.III (CCIW),
Madurai.

3.Do through the Chief Judicial Magistrate,
Madurai District.

4.The Inspector of Police,
Civil Supplies CID,
Madurai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-254[I] dated 05/01/2024)

ORDER
IN
CRL MP(MD) No.59 of 2024
in
CRL RC(MD) No.6 of 2024
Date :04/01/2024

ED/ DD /SAR- (08/01/2024) 5P / 7C

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