



CRL MP(MD) No.1321 of 2024

WEB COPY

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1321 of 2024

in

CRL RC(MD)No. 108 of 2024

KARUPPAR @ KARUPPAIAH

... PETITIONER/REVISION PETITIONER

Vs

THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
CR.NO.489/2018

... 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 the learned Principal District and Sessions Judge, Madurai in Criminal Appeal No. 9 of 2020 dated 31.01.2023 by confirming the judgment of conviction and sentence passed in C.C No. 49 of 2019 dt. 11.12.2019 by the learned Judicial Magistrate, Melur and enlarge the petitioner on bail pending disposal of above criminal revision petition.

PRAYER IN CRL RC(MD)No. 108 of 2024:

Pleased to call for the records pertaining to the judgment of conviction and sentence passed in Criminal Appeal No. 9 of 2020 dated 31.01.2023 by the Leanred Principal Dsitric and Sessions Judge, Madurai by confirming the judgment of conviction and sentence passed in C.C.No. 49 of 2019 dated 11.12.2019 by the Leanred Judicial Magistrate,Melur and set aside the same by allowing the above Criminal Revision petition.

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



CRL MP(MD) No.1321 of 2024

WEB COPY

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, V.SANTHAKUMARESAN, Advocate for the petitioner 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 petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Principal District and Sessions Judge, Madurai in C.A.No.9 of 2020 dated 31.01.2023.

2. The case of the prosecution is that the petitioner/accused and the defacto complainant are husband and wife and they have a female child. Both are living separately for the past ten years and the defacto complainant is eking out her livelihood by grazing the cattle. While being so, on 04.12.2018 at about 10.30 a.m., when the defacto complainant was grazing the cattle at Pudupatti Mamalai, the petitioner/accused came there and abused her with filthy words and assaulted her with knife thereby caused grievous injuries. Based on a complaint, a case has been registered against the petitioner/accused in Crime No.489 of 2018 on the file of the respondent police and the same was taken on file in C.C.No.49 of 2019 before the learned Judicial Magistrate, Melur. The trial Court found the petitioner/accused guilty under Section 325 of IPC and convicted and sentenced to undergo three years

Rigorous Imprisonment along with a fine of Rs.1000/- with one month Simple

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



CRL MP(MD) No.1321 of 2024

Imprisonment in case of default. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.9 of 2020 before the learned Principal District and Sessions Judge, Madurai. The First Appellate Court has also confirmed the conviction and sentence passed by the trial Court. Aggrieved over the same, the petitioner has filed the present Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner submits that the petitioner/accused has already incarcerated for 32 days at the time of remand period and so far, he has been incarcerated for 42 days. Furthermore, the prosecution has failed to prove the allegation levelled against the petitioner and corroborate the evidence of prosecution witnesses. He further submitted that the petitioner is having reasonable grounds to succeed in this revision case and hence, the learned counsel prays for suspension of sentence of the petitioner.

4. Heard the learned counsel for the petitioner as well as the learned Additional public Prosecutor and perused the materials on record.

5. Considering the nature of offence 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



CRL MP(MD) No.1321 of 2024

imposed by the learned Principal District and Sessions Judge, Madurai in C.A.No.9 of 2020 dated 31.01.2023, alone is suspended subject to the following conditions:-

i) 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, Melur.

ii) The petitioner shall appear and sign before the learned Judicial Magistrate, Melur, on the first working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned learned Judicial Magistrate, Melur.

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

sd/-
07/02/2024

/ TRUE COPY /

07/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.1321 of 2024

PKN
TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MADURAI
- 2 THE JUDICIAL MAGISTRATE,
MELUR.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

ORDER
IN
CRL MP(MD) No.1321 of 2024
in
CRL RC(MD)No. 108 of 2024
Date :07/02/2024

PKP/07.02.2024/ 5P/8C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023

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