



CRL MP(MD) No.722 of 2024

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

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.722 of 2024

IN

CRL RC(MD) No.55 of 2024

A.KAMARAJ

... PETITIONER/PETITIONER

Vs

**THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID,
MADURAI DISTRICT.
IN CRIME NO.26/2012.**

... 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 of imprisonment imposed by the learned V-Additional District and Sessions Court, Madurai in CrI.A.No.128 of 2019, dt.16.11.2023 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court No.III (CCIW) Madurai in C.C.No. 78 OF 2012 DATED 03.10.2019 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

Prayer in CRL RC(MD). 55/ 2024 :

To call for the records of the learned V-Additional District and Sessions Court, Madurai in CrI.A.No.128 of 2019, dt.16.11.2023 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court No.III (CCIW), Madurai in C.C.No 78 OF 2012 DATED 03.10.2019 and set aside the judgments of the courts below and acquit the petitioner.

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



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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 MR.N. MARIMUTHU, Advocate for the petitioner and of MR.A.THIRUVADIKUMAR, 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 V Additional District and Sessions Judge, Madurai, in CrI.A.No.128 of 2019 dated 16.11.2023 and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner 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 petitioner was 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 petitioner has preferred an Appeal before the V Additional District and Sessions Judge, Madurai, in CrI.A.No.128 of 2019 and the same was also dismissed on 16.11.2023. Challenging the concurrent findings, the

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petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner further submitted that the prosecution has failed to prove the allegation levelled against the petitioner and corroborate the evidence of prosecution witnesses and hence, learned counsel prays for suspension of sentence.

4. 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 therefore, he vehemently prayed for dismissal of the petition.

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

6. Considering the arguable points of the petitioner 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.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.128 of 2019 dated 16.11.2023 alone is suspended subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty



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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 petitioner 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. and 5.30 p.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, they shall appear on the next working day.

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

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

sd/-
24/01/2024

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

PKN
TO

1 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MADURAI.



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- 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.

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

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-978[I] dated 24/01/2024)

ORDER
IN
CRL MP(MD) No.722 of 2024
IN
CRL RC(MD) No.55 of 2024
Date :24/01/2024

PKP/VR/SAR /02.02.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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