



CRL MP(MD) No.697 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.697 of 2024

in

CRL RC(MD)No.52 of 2024

KRISHNAKUMAR @ KRISHNAN

... PETITIONER/PETITIONER

Vs

THE SUB INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.580 OF 1995.

... RESPONDENTS/RESPONDENTS

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 in Judgment in CA.No.118 of 2011 on the file of the Additional District and Sessions Judge,Padmanabhapuram dated 22.9.2023 confirming the Judgment and Sentence passed in CC.No.125 of 1997 on the file of the Judicial Magistrate, Padmanabhapuram dated 03-11-2011 dated till the disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 52/ 2024 :

To Set aside the Judgment and Sentence passed in CA.No.118 of 2011 on the file of the Additional District and Sessions Judge,Padmanabhapuram dated 22.9.2023 confirming the Judgment and Sentence passed in CC.No.125 of 1997 on the file of the Judicial Magistrate, Padmanabhapuram dated 03-11-2011 and allow this revision case.



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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.S.RAMAKRISHNA DASS, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Revision Petition., 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 Additional District and Sessions Judge, Padmanabhapuram in C.A.No.118 of 2011 dated 22.09.2023.

2. The case of the petitioner is that in respect of the property dispute, on 01.11.1995 at about 8.00 p.m., the petitioner/accused along with other accused attacked the witnesses namely, Sophi and Sasikumar causing injuries to them. Based on a complaint, a case has been registered against the petitioner/accused and other accused in Crime No.580 of 1995 on the file of the respondent police and the same was taken on file in C.C.No.125 of 1997 before the learned Judicial Magistrate, Padmanabhapuram. The petitioner was directed to pay a fine of Rs.500/- with two weeks simple imprisonment in case of default. He also convicted and sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.2,000/- with three months Rigorous Imprisonment in case of default. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in A.A.No.118 of 2011 before the learned Additional District and Sessions Judge, Padmanabhapuram.



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The First Appellate Court has also confirmed the conviction and sentence.

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Aggrieved over the same, the petitioner has filed the present Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner submits that due to previous enmity with respect to land dispute, the petitioner was falsely implicated in the case and the Courts below failed to appreciate the fact that the prosecution witnesses have deposed in favour of the petitioner. 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 imposed by the learned Additional District and Sessions Judge, Padmanabhapuram in C.A.No.118 of 2011 dated 22.09.2023, 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



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learned Additional District and Sessions Judge, Padmanabhapuram.

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ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Padmanabhapuram, on the first working day of every English calendar 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 Additional District and Sessions Judge, Padmanabhapuram.

7. 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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PADMANABHAPURAM.

2 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM.



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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

4 THE SUB INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-1005[I] dated 24/01/2024
)

ORDER
IN
CRL MP(MD) No.697 of 2024
in
CRL RC(MD)No.52 of 2024
Date :24/01/2024
(1/2)

SS/GS/SAR- /05/02/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023