



CRL MP(MD) No.862 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.862 of 2024

IN

CRL RC(MD) No.73 of 2024

AROKIASAMY

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.98/2013.

... 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 and release the petitioner on bail pending disposal of the criminal revision petition before this Honourable court against the judgement dt 13.12.2023 made in C.A.No.30/2021 on the file of the learned Principal District and Sessions Court, Dindigul who convicted and modified the judgment passed by the learned Chief Judicial Magistrate, Dindigul in S.C.No.93 of 2017 dated 08.11.2021 on such terms and conditions as may be deemed fit pending disposal of the Revision Petition.

PRAYER IN CRL.RC(MD).73/2024:

Pleased to call for the records and set aside the impugned judgement dated 13.12.2023 made in C.A.No.30 of 2021 on the file of the Learned Principal District and Sessions Court, Dindigul who convicted and modified the judgment passed by the learned Chief Judicial Magistrate, Dindigul in S.C.No.93 of 2017 dated 08.11.2021 and allow the Revision Petition.

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



CRL MP(MD) No.862 of 2024

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.VENKATESAN, 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 imposed on him by the learned Principal District and Sessions Judge, Dindigul, in C.A.No.30 of 2021 dated 13.12.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.98 of 2013 on the file of the respondent/Inspector of Police, Ambathurai Police Station, Dindigul District, for the offences punishable under Sections 326 and 307 of IPC and the same was taken on file in S.C.No.93 of 2017 before the learned Chief Judicial Magistrate, Dindigul. The petitioner was convicted and sentenced to undergo 2 years rigorous imprisonment and a fine of Rs.1,000/- with three months simple imprisonment in case of default for the offence under Section 326 IPC and sentenced to undergo 2 years rigorous imprisonment and a fine of Rs.1,000/- with three months simple imprisonment in case of default for the offence under Section 307 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the



CRL MP(MD) No.862 of 2024

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Principal District and Sessions Judge, Dindigul, in C.A.No.30 of 2021 and the same was also dismissed on 13.12.2023. Challenging the concurrent findings, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that the trial Court has failed to consider the fact that P.W.1 is a hearsay evidence and the evidence of P.W.1 and P.W.2 did not support the case of the prosecution. The prosecution has also failed to prove the allegation levelled against him and corroborate the evidence of prosecution witnesses and therefore, the learned counsel prays for suspending the sentence imposed on the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the petitioner is the sole accused in this case and has voluntarily caused grievous injury to the victim and the victim had clearly deposed in his evidence about the incident and hence, he strongly opposed to grant suspension of sentence to the petitioner.

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

6. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case, this Court prima



CRL MP(MD) No.862 of 2024

facie feels that that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal District and Sessions Judge, Dindigul, in C.A.No.30 of 2019 dated 13.12.2023 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 Principal District and Sessions Judge, Dindigul.

ii) The petitioner shall appear and sign before the learned Principal District and Sessions Judge, Dindigul, on the 1st and 15th 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 1st and 15th 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 Principal District and Sessions Judge, Dindigul.



CRL MP(MD) No.862 of 2024

v) The petitioner is directed to pay the fine amount immediately as directed by the Court below.

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

sd/-
30/01/2024

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

RM

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, DINDIGUL.

2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.

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

COPY TO:

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



CRL MP(MD) No.862 of 2024

+1 CC to M/s.R.VENKATESAN, Advocate (SR-1219[I] dated 31/01/2024)

ORDER
IN
CRL MP(MD) No.862 of 2024
IN
CRL RC(MD) No.73 of 2024
Date :30/01/2024

SA/VR/SAR. /02.02.2024/6P/7C

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