



CRL MP(MD) No.1392 of 2024

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

Thursday, the Eighth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL MP(MD) No.1392 of 2024
in
CRL RC(MD) No.117 of 2024

R.SUNDARAMOORTHY

... Petitioner / Petitioner

Vs

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

... Respondent / Respondent

Civil 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 Crl.A.No.137 of 2019, 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 and enlarge the petitioner on bail, pending disposal of the above criminal revision case.

Prayer in CRL RC(MD). 117/ 2024 :

To call for the records of the Learned V-Additional District and Sessions Court, Madurai in Crl.A.No.137 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.

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.N.MARIMUTHU, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while



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admitting the criminal revision case, the court made the following order:-

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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.137 of 2019 dated 16.11.2023 and to enlarge him 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 the Criminal Appeal before the V Additional District and Sessions Judge, Madurai, in Crl.A.No.137 of 2019 and the same was also dismissed on 16.11.2023. Challenging the concurrent findings, the petitioners have preferred the present Criminal Revision Case along with the above Miscellaneous Petition seeking suspension of sentence.

Learned counsel for the petitioners further submitted that the prosecution failed to



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prove the allegation levelled against him and corroborate the evidence of prosecution witnesses and accordingly, learned counsel prays for suspension of sentence. He further submitted that the co-accused were already granted bail vide order of this Court dated 04.01.2024 made in Crl.M.P(MD)No.51 of 2024,

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 him 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 petitioner and the facts and circumstances of the case that the co-accused were already released on bail, this Court is of the prima facie view that the sentence is to be suspended pending this Criminal 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.137 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/-



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(Rupees Twenty Five Thousand only) 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 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 V Additional District and Sessions Judge, Madurai.

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

sd/-
08/02/2024

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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



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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 City,
Madurai District.

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

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-1609[I] dated 08/02/2024)

ORDER

IN

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in

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Date :08/02/2024

ED/ JGB /SAR- (13/02/2024) 5P / 7C

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