



CRL MP(MD) No.1301 of 2024

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

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1301 of 2024

in

CRL RC(MD)No. 107 of 2024

VEERAMANI

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION,
THANAJVUR
CRIME NO.99/2013

... 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 of Imprisonment imposed by the learned 2nd Additional District and Sessions Judge, Thanjavur in CA No.58/2021 by the judgment dated 01.08.2023 by confirming the conviction by the learned Judicial Magistrate, Thiruvaiyaru.

Prayer in CRL RC(MD). 107/ 2024 :

To call for the records and set aside the conviction imposed by the learned 2nd Additional District and Sessions Judge, Thanjavur in CA No.58/2021 by the judgment dated 01.08.2023 by confirming the conviction by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No. 158 of 2015 by the Judgment dated 29.12.2020.



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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 M/S.PADMARAJ.C, 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 imposed on him by the learned II Additional District and Sessions Judge, Thanjavur, in C.A.No.58 of 2021 dated 01.08.2023 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.99 of 2013 on the file of the respondent/Inspector of Police, Maruvloor Police Station, Thanjavur, for the offences punishable under Sections 457 and 394 of IPC and the same was taken on file in C.C.No.158 of 2015 before the learned Judicial Magistrate, Thiruvaiyaru. The petitioner was convicted and sentenced to undergo 3 years rigorous imprisonment and a fine of Rs.10,000/- (Rupees Ten Thousand only) with three months simple imprisonment in case of default for the offence under Section 457 IPC and sentenced to undergo 3 years rigorous imprisonment and a fine of Rs.10,000/- (Rupees Ten Thousand only) with three months simple imprisonment in case of default for the



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offence under Section 394 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned II Additional District and Sessions Judge, Thanjavur, in C.A.No.58 of 2021 and the same was also dismissed on 01.08.2023. Challenging the concurrent findings, the petitioner has preferred the present Criminal Revision Case 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 there is no corroborating evidence to support the case of the prosecution and the occurrence is said to have been taken place in the midnight and so without conducting identification parade, the case of the prosecution cannot be believed. He further submitted that the prosecution has also failed to prove the allegation levelled against the petitioner and that he has not involved in any other case 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 first accused in this case and he is in custody pursuant to the confirmation of conviction by the appellate Court and hence, he

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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 facie feels that there are arguable points involved in this criminal revision and further the criminal revision 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 II Additional District and Sessions Judge, Thanjavur, in C.A.No.58 of 2021 dated 01.08.2023 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 II Additional District and Sessions Judge, Thanjavur.

ii) The petitioner shall appear and sign before the learned II Additional District and Sessions Judge, Thanjavur, 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 II Additional District and Sessions Judge, Thanjavur.

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/-
06/02/2024

/ TRUE COPY /

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

RM
TO
1 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THANJAVUR.



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2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE.
THANJAVUR DISTRICT @ KUMBAKONAM.

4 THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION, THANAJVUR

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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.
+1 CC to M/s.C.PADMARAJ, Advocate (SR-1506[I] dated 07/02/2024)

ORDER
IN
CRL MP(MD) No.1301 of 2024
in
CRL RC(MD) No. 107 of 2024
Date :06/02/2024

PKP/07.02.2024/ 6P/ 9C
Madurai Bench of Madras High Court is issuing certified
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