



CRL MP(MD) No.1774 of 2024

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

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1774 of 2024

in

CRL RC(MD) No.169 of 2024

R.MARIAPPAN

... Petitioner / Petitioner

Vs

M.KARTHIKAYINI

... 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 Additional District and Sessions Court, Srivilliputhur at Virudhunagar in Crl.A.No.73 of 2018,dt.23.1.2024 confirming the conviction and sentence imposed by the Learned Judicial Magistrate Court No.1, Sattur in C.C.No.26 of 2010, dated 06.06.2018 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 169/ 2024 :

To call for the records of the learned Additional District and Sessions Court,Srivilliputhur at Virudhuagar in Crl.A.No.73 of 208,dt.24.1.2024 confirming



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the conviction and sentence imposed by the learned Judicial Magistrate Court No.I, Sattur in C.C.No.26 of 2010, dated 06.06.2018 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, 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 Additional District and Sessions Judge, Srivilliputhur at Virudhunagar in Crl.A.No.73 of 2018 dated 23.01.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Sattur in C.C.No.26 of 2010 dated 06.06.2018 and to enlarge him on bail, pending disposal of the Criminal Revision Petition.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner and other accused in Crime No.4 of 2010 for the offence under Sections 495, 496, 506(i) and 107 r/w 109 IPC and the same was taken on file in C.C.No.26 of 2010 on the file of the learned Judicial Magistrate No.I, Sattur. The petitioner/A1 was convicted for the offence under Section 495 and 496 IPC alone and sentenced to undergo two years simple imprisonment and a fine of



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Rs.10,000/-, in default, to undergo three months simple imprisonment for the offence under Section 495 IPC and to undergo two years simple imprisonment and a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment for the offence under Section 496 IPC. Challenging the above said conviction and sentence, the petitioner has preferred an appeal before the learned Additional District and Sessions Judge, Srivilliputhur at Virudhunagar, in CrI.A.No.73 of 2018 and the learned Sessions Judge confirmed the conviction and sentence passed by the trial Court and dismissed the appeal. Aggrieved over the same, the petitioner filed the present Criminal Revision Petition along with the above Miscellaneous Petition seeking suspension of sentence. Learned counsel for the petitioner further submitted that there are some arguable points involved in the criminal and hence, he prays for suspension of sentence.

3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor has no serious objection to suspend the sentence as against the petitioner.

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

5. As rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal revision and also considering the facts and circumstances of the case, this Court is of the prima facie view that the



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sentence is to be suspended pending this Criminal Revision Petition.

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6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge, Srivilliputhur at Virudhunagar in Crl.A.No.73 of 2018 dated 23.01.2024 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 Additional District and Sessions Judge, Srivilliputhur at Virudhunagar in Crl.A.No.73 of 2018 dated 23.01.2024.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Srivilliputhur at Virudhunagar 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, Srivilliputhur at Virudhunagar.



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allowed.

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

sd/-
14/02/2024

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

PJL

To

1.The Additional District and Sessions Judge,
Srivilliputhur at Virudhunagar.

2.The Judicial Magistrate No.I,
Sattur.

3.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-1895[I] dated 15/02/2024)

ORDER
IN
CRL MP(MD) No.1774 of 2024
in
CRL RC(MD) No.169 of 2024
Date :14/02/2024

ED/VR /SAR- (15/02/2024) 5P / 5C



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