



CRL MP(MD) No.1602 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1602 of 2024

IN

CRL RC(MD) No.150 of 2024

M.RAJENDRAN

... PETITIONER/PETITIONER/
ACCUSED/ACCUSED 2

Vs

THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

... RESPONDENT/RESPONDENT/
COMPLAINANT/COMPLAINANT

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 the Petitioner / Accused / Accused No.2 to file the above Criminal Revision petition against the order passed by the Assistant Sessions court, Theni in S.C No. 118 of 2016 t. 21.12.2022 confirming the said order passed by the Learned Additional District Judge (FTC), Theni in C.A.No.18 of 2023 dated on 24.11.2023.

Prayer in CRL RC(MD). 150/ 2024 :

To call for the records of the Judgement in S.C No. 118 of 2016 dt. 21.12.2022 on the file of the Assistant Sessions court, Theni confirming the said order passed in C.A No. 18 of 2023 dt. 24.11.2023 on the file of the Additional District Judge, (FTC), Theni and to set aside the same and to acquit the Petitioner/ Accused/ Accused No.2

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon <https://www.mhc.tn.gov.in/judis>



CRL MP(MD) No.1602 of 2024

perusing the petition filed in support thereof and upon hearing the arguments of M/s.B.BHUVANSEHVARI, 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 Additional District and Sessions Judge, (FTC), Theni, in C.A.No.18 of 2023 dated 24.11.2023 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.237 of 2015 on the file of the respondent/Inspector of Police, Kadamalaikundu Police Station, Theni District, for the offences punishable under Sections 294(b), 341 and 307 of IPC and the same was taken on file in S.C.No.118 of 2016 before the learned Assistant Sessions Judge, Theni. The petitioner was convicted and sentenced to undergo 7 years rigorous imprisonment and a fine of Rs.2,000/- with six months rigorous 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 learned Additional District and Sessions Judge (FTC), Theni in CrI.A.No.18 of 2023 and the same was also dismissed on 24.11.2023. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision along



CRL MP(MD) No.1602 of 2024

with the above Criminal Miscellaneous Petition seeking suspension of sentence.

WEB COPY

3. The learned counsel for the petitioner submitted that there was a civil dispute between the petitioner and the defacto complainant, who is none other than his brother and there are no evidences to prove the case of the prosecution against the petitioner for the commission of offence under Section 307 of IPC. He further submitted that as per the direction of this Court, the petitioner has surrendered today morning before the concerned Judicial Magistrate Court and accordingly, learned counsel prays for suspension of sentence.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the petitioner has surrendered today morning before the concerned Court 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. Considering the arguable points of the petitioner 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 Criminal Revision.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District Judge (FTC), Theni, in Crl.A.No.18 of



CRL MP(MD) No.1602 of 2024

2023 dated 24.11.2023 alone is suspended, subject to the following conditions:-

WEB COPY

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 Judge (FTC), Theni.

ii) The petitioner shall appear and sign before the learned Additional District Judge (FTC), Theni, on the first 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 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 Judge (FTC), Theni.

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

sd/-
20/02/2024

/ TRUE COPY /

20/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO
1 THE ASSISTANT SESSIONS JUDGE,
THENI.

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



CRL MP(MD) No.1602 of 2024

2 THE ADDITIONAL DISTRICT JUDGE
(FTC), THENI.

3 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.1602 of 2024
IN
CRL RC(MD) No.150 of 2024
Date :20/02/2024

SA/SAR. /20.02.2024/5P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.