



CRL MP(MD) No.1871 of 2024

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1871 of 2024

in

CRL RC(MD) No.1197 of 2023

SYLAS

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT.

... 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 imposed by the judgment dated 29.09.2023 passed in Crl.A.No.10/2014 on the file of the learned Additional District and Sessions Court, Padmanabapuram confirming the judgment dated 13.03.2014 in SC.No.134/2006 on the file of the learned Assistant Sessions Judge, Pandmanabhapuram and pending disposal of the main criminal revision petition.

Prayer in CRL RC(MD). 1197/ 2023 :

To call for the records and set aside the judgment dt.29/9/2023 passed in Crl.A.No.10/2014 on the file of the learned Additional District and Sessions Court, Padmanabhapuram confirming the judgment dt.13/3/2014 in SC No.134/2006 on the file of the learned Assistant Sessions Judge, Padmanabhapuram.



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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.R.MURUGAN, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate (Crl. side) on behalf of the Respondent, 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, Padmanabapuram, in Crl.A.No.10 of 2014 dated 29.09.2023 and to enlarge him on bail, pending disposal of the Criminal Revision.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.20 of 2005 on the file of the respondent/Inspector of Police, Thiruvattar Police Station, Kanyakumari District, for the offences punishable under Sections 324, 325, 506(ii) and 307 of IPC and the same was taken on file in S.C.No.134 of 2006 before the learned Assistant Sessions Judge, Padmanabhapuram. The petitioner was convicted and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) with one year simple imprisonment in case of default for 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, Padmanabapuram, in Crl.A.No.10 of 2014 and the same was also dismissed on 29.09.2023. Challenging the concurrent findings, the petitioner has preferred the present Criminal



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Revision along with the above Miscellaneous Petition seeking suspension of sentence.

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3. Learned counsel for the petitioner further submitted that the prosecution has failed to prove the allegation levelled against the petitioner and to corroborate the evidence of prosecution witnesses. The petitioner/accused and the injured are brothers. He further submitted that the trial court failed to consider that the motive behind the alleged occurrence did not establish by the prosecution beyond all reasonable doubt and the trial Court convicting the petitioner based on the interested witnesses of the case and failed to consider the fact that all other eye witnesses did not supported the prosecution case and therefore, prayed for suspension of sentence. He further submitted that the petitioner is aged about 80 years and due to his old age, he suffered with various ailments and he is an innocent person and has not committed any offence as alleged by the prosecution.

4. Per contra, Mr.M.Muthumanikkam, learned Government Advocate (Crl. side) submitted that the petitioner/accused is an aged person, however, even at his old age he assaulted his own elder brother, who is an aged person than the petitioner. Considering the gravity of offence committed by the petitioner, both the Courts below have found him guilty and hence, opposed for allowing this petition.

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 and hence, this Court is of the prima facie view that there are arguable points involved in



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this Criminal Revision. Considering the age of the petitioner and ailments, 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 Additional District and Sessions Judge, Padmanabapuram, in CrI.A.No.10 of 2014 dated 29.09.2023 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 Additional District and Sessions Judge, Padmanabapuram.

ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

iii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Padmanabapuram, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) 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.

v) The petitioner shall furnish his residential address and mobile number



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to the Trial Court i.e., learned Additional District and Sessions Judge,
Padmanabapuram.

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

sd/-
07/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

To

1.The Additional District and Sessions Judge,
Padmanabhapuram.

2.The Assistant Sessions Judge,
Padmanabhapuram.

3.The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar, Kanyakumari District.

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-2862[I] dated 07/03/2024)

ORDER
IN
CRL MP(MD) No.1871 of 2024
in
CRL RC(MD) No.1197 of 2023
Date :07/03/2024



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ED/ JGB /SAR- (14/03/2024) 6P / 6 C

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