



CRL MP(MD) No.2520 of 2024

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

Tuesday, the Third day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.2520 of 2024

in

CRL RC(MD) No.222 of 2024

SINNAPPAR

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.376 OF 2016.)

... 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 upon the Petitioner in CC.No.33 of 2017 on the file of the Learned Judicial Magistrate No.III,Thanjavur,by Judgment dt.8.4.2022 which conviction and sentence was confirmed vide Judgment dt.15.11.2022 passed in CRL A No.29 of 2022 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur pending disposal of the main criminal revision.

Prayer in CRL RC(MD). 222/ 2024 :

To call for the records and set aside the Judgment dt.8.4.2022 passed in CC.No.33 of 2017 on the file of the Learned Judicial Magistrate No.III,Thanjavur,wherein the Petitioner/Accused was convicted and sentenced to undergo simple imprisonment for two years for the offence U/s.454 of IPC and to pay a fine of Rs.500/- in default simple imprisonment for one month and that the



CRL MP(MD) No.2520 of 2024

petitioner/ accused is convicted and sentenced to undergo for two years for the offence U/s.380 of IPC and to pay a fine of Rs.500/- in default simple imprisonment for one month and subsequently, the criminal appeal in Crl.A.No.29 of 2022 was dismissed by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur dated 15.11.2022 and acquit the petitioner / accused herein.

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.ARUNRAJ K, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner by the learned Judicial Magistrate No.III, Thanjavur in C.C.No.33 of 2017, dated 08.04.2022, which was confirmed in Criminal Appeal No.29 of 2022, dated 15.11.2022, by the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.222 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.376 of 2016, came to be registered by the respondent police as against the accused for the offence under Sections 454 and 380 of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.33 of 2017 on the file of the learned Judicial Magistrate No.III, Thanjavur.



CRL MP(MD) No.2520 of 2024

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4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 08.04.2022, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 454 of IPC, and to undergo simple imprisonment for a period of two years and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 380 of IPC, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.29 of 2022 on the file of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur. The learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur by confirming the said conviction and sentence, dismissed the appeal on 15.11.2022. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case before this Court along with this Miscellaneous Petition seeking suspension of sentence.

6. It is submitted by the learned counsel for the petitioner that the petitioner is



CRL MP(MD) No.2520 of 2024

in custody from 14.12.2023, and has already undergone half of the imprisonment imposed on him. He also submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Government Advocate (Criminal Side) appearing for the respondent has also conceded to the fact that the petitioner has undergone more than one year of imprisonment, and has raised only formal objection to this petition.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains 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, and also considering the period of incarceration suffered by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of



CRL MP(MD) No.2520 of 2024

imprisonment alone is suspended pending disposal of the revision with the

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following directions :

(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 Judicial Magistrate No.III, Thanjavur.

(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; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
03/12/2024

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03/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN



CRL MP(MD) No.2520 of 2024

To

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1.The Additional District Judge / Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.

2.The Judicial Magistrate No.III,
Thanjavur.

3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

4.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

4.The Superintendent,
Central Jail, Trichy.

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

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-14886[I] dated 03/12/2024)

ORDER

IN

CRL MP(MD) No.2520 of 2024

in

CRL RC(MD) No.222 of 2024

Date :03/12/2024



CRL MP(MD) No.2520 of 2024

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