



CRL MP(MD) No.2284 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2284 of 2024

in

CRL RC(MD) No.201 of 2024

PUSHPAM

... Petitioner / Appellant / Accused No.1

Vs

THE INSPECTOR OF POLICE
MANUR POLICE STATION,
MANUR,
TIRUNELVELI DISTRICT.
(CRIME NO. 112 OF 2010)

... Respondent / Respondent / Petitioner

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 on the petitioner by the judgment dt. 29.01.2024 passed in C.A No. 173 of 2023 on the file of the 3rd Additional District and Sessions court, Tirunelveli, Tirunelveli district modifying the judgment dt. 19.09.2023 passed in C.C.No.137 of 2012 on the file of the Judicial Magistrate Court No.5, Tirunelveli, Tirunelveli District and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 201/ 2024 :

To call for the records of the Judgment dt. 29.01.2024 passed in C.A No. 173 of 2023 on the file of the 3rd Additional District and Sessions court, Tirunelveli, Tirunelveli district modifying the judgment dt. 19.09.2023 passed in C.C No. 137/2012 on the file of the Judicial Magistrate Court No.5, Tirunelveli, Tirunelveli



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District and set aside the same.

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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.N.PRAGALATHAN, 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 passed against her by the learned Judicial Magistrate No.5, Tirunelveli, in C.C.No.137 of 2012 dated 19.09.2023 as modified by the learned III Additional District and Session Judge, Tirunelveli, in Criminal Appeal No.173 of 2023 on 29.01.2024 and to enlarge her on bail, pending disposal of the Criminal Revision case.

2. The learned counsel for the petitioner submitted that a case has been registered against the petitioner in Crime No.112 of 2010 on the file of the respondent/Inspector of Police, Manur Police Station, Manur, Tirunelveli District, for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC and the same was taken on file in C.C.No.137 of 2012 before the learned Judicial Magistrate No.5, Tirunelveli. The petitioner was convicted and sentenced to undergo two years simple imprisonment and imposed a fine of Rs.2,000/- in default to undergo further simple imprisonment for one month for the offence under Section 326 of IPC.

Challenging the above said conviction and sentence, the petitioner has preferred the



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Criminal Appeal before the III Additional District and Session Judge, Tirunelveli, in CrI.A.No.173 of 2023. The learned III Additional District and Sessions Judge, Tirunelveli, confirmed the conviction and reduced the sentence imposed on the petitioner from two years to one year. Aggrieved over the judgments of the Courts below, the petitioner has preferred the present Criminal Revision 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 revision. The prosecution failed to prove the allegation levelled against the petitioner and corroborate the evidence of prosecution witnesses and accordingly, the learned counsel prays for suspension of sentence.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case. Hence, he opposed to grant suspension of sentence.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also 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 revision.

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6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned III Additional District and Session Judge, Tirunelveli, in Crl.A.No.173 of 2023 dated 29.01.2024 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 learned Judicial Magistrate No.5, Tirunelveli, Tirunelveli District.

ii) The petitioner shall appear and sign before the learned Judicial Magistrate No.5, Tirunelveli, Tirunelveli District, 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, she shall appear on the next working day.

iv) The petitioner shall furnish her residential address and mobile number to the Trial Court ie., learned Judicial Magistrate No.5, Tirunelveli, Tirunelveli District.



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allowed.

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

sd/-
26/02/2024

/ TRUE COPY /

26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

To

1.The III Additional District and Sessions Judge,
Tirunelveli.

2.The Judicial Magistrate No.V,
Tirunelveli.

3.Do through the Chief Judicial Magistrate,
Tirunelveli District.

4.The Superintendent,
Special Prison for Women,
Madurai.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2387[I] dated 26/02/2024)



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ORDER
IN
CRL MP(MD) No.2284 of 2024
in
CRL RC(MD) No.201 of 2024
Date :26/02/2024

ED/ /SAR- (26/02/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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