



CRL MP(MD) No.2513 of 2024

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

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2513 of 2024

in

CRL RC(MD)No. 221 of 2024

PALPANDI

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
S.V MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 110 OF 2020

... 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 and sentence imposed dt 31.01.2024 made in Crl.A.No.29/2023 on the file of the Additional district Judge Sivagangai by modifying the condition and sentence imposed in CC.No.73/2020 on the file of the Judicial Magistrate, Singampuneri, Sivagangai District, dated 23.02.2023, pending disposal of the Criminal Revision Petition.

PRAYER IN CRL RC(MD)No. 221 of 2024:

To call for the records relating to the judgment dt 31.01.024 made in Crl.A.No.29/2023 on the file of the Additional District Judge Sivagangai by modifying the condition and sentence imposed in CC.No.73/2020 on the file of the Judicial Magistrate, Singampuneri, Sivagangai District dated 23/02/2023 and set aside the same as illegal.

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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 MR.M.KARUNANITHI, Advocate for the petitioner and of MR.R.SIVAKUMAR Government Advocate (Criminal Side) 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 Judge, Sivagangai, in Crl.A.No.29 of 2023 dated 31.01.2024 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.110 of 2020 on the file of the respondent/Inspector of Police, S.V.Mangalam Police Station, Sivagangai District, for the offences punishable under Sections 294(b) and 325 of IPC and the same was taken on file in C.C.No.73 of 2020 before the learned Judicial Magistrate, Singampunari. The petitioner was convicted and sentenced to pay a fine of Rs.500/- (Rupees Five Hundred only) with one month simple imprisonment in case of default for the offence under Section 294(b) IPC and sentenced to undergo 2 years rigorous imprisonment and a fine of Rs.2,000/- (Rupees Two Thousand only) with one month simple imprisonment in case of default for the offence under Section 325 of IPC.

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



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Criminal Appeal before the learned Additional District Judge, Sivagangai, in Crl.A.No.29 of 2023 and in appeal, the sentence was modified by judgment dated 31.01.2024. The petitioner was acquitted for the offence under Section 294(b) IPC and convicted for the offence under Section 325 IPC and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.2000/- in default to undergo one month simple imprisonment. Challenging the same, the petitioner has preferred the present Criminal Revision Case along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that the trial Court has failed to consider the fact that the victim sustained grievous injury but in order to substantiate the same, no evidence or material objects were marked by the prosecution. He further submitted that the prosecution has also failed to prove the allegation levelled against the petitioner and that he has not involved in any other case and therefore, the learned counsel prays for suspending the sentence imposed on the petitioner.

4. Per contra, Mr.R.SIVAKUMAR, learned Government Advocate (Crl.side) submitted that the petitioner is the first accused in this case and he is not in custody pursuant to the confirmation of conviction by the appellate Court and hence, he opposed to grant suspension of sentence to the petitioner.



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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. Considering the facts and circumstances of the case, this Court prima facie feels 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, 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 Judge, Sivagangai, in Crl.A.No.29 of 2023 dated 31.01.2024 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 Judge, Sivagangai.

ii) The petitioner shall appear and sign before the learned Additional District Judge, Sivagangai, in Crl.A.No.29 of 2023 dated 31.01.2024 , on the 1st and 15th 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 1st

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and 15th 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, Sivagangai, in Crl.A.No.29 of 2023.

v) The petitioner is directed to pay the fine amount immediately as directed by the Court below.

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

sd/-
29/02/2024

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

CM

TO

- 1 THE ADDITIONAL DISTRICT JUDGE
SIVAGANGAI.
- 2 THE JUDICIAL MAGISTRATE,
SINGAMPUNERI, SIVAGANGAI DISTRICT.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE.
SIVAGANGAI DISTRICT.



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4 THE INSPECTOR OF POLICE
S.V MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-2605[I] dated 01/03/2024)

ORDER
IN
CRL MP(MD) No.2513 of 2024
in
CRL RC(MD)No. 221 of 2024
Date :29/02/2024

PKP/VR/SAR /06.03.2024/ 6P/7C

Madurai Bench of Madras High Court is issuing certified
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