



Crl.M.P.(MD) No.2291 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.M.P.(MD) No.2291 of 2024
in
Crl.R.C(MD) No.202 of 2024

CHINNAMOORTHY

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
PUDUKOTTAI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 286 OF 2019

... 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 in CrlA No. 43 of 2022 on the file of the Additional District and Sessions Judge, Pudukkottai dt 06.12.2023 by modifying the conviction and sentence imposed in C.C no. 27 of 2020 on the file of the Judicial Magistrate No.I, Pudukkottai, dated 23.09.2022 pending disposal of the Criminal Revision.

Prayer in Crl.R.C(MD) No.202 of 2024:

To call for the recors relating to the Judgment dated 06.12.2023 made in Crl.A.No.43 of 2022 on the file of the Additional District and Sessions Judge, Pudukkottai by modifying the conviction and sentence imposed in C.C.No.27 of 2020 on the file of the Judicial Magistrate No.I, Pudukkottai dated 23.09.2022 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.D.RAMESHKUMAR, 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 him by the learned Judicial Magistrate No.1, Pudukkottai, in C.C.No.27 of 2020 dated 23.09.2022 as modified by the learned Additional District and Session Judge, Pudukkottai, in Criminal Appeal No.43 of 2022 on 06.12.2023 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2.The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.I, Pudukkottai, for the offence under Section 304-A of IPC and sentenced him to undergo two years rigorous imprisonment and imposed a fine of Rs.5,000/- in default to undergo one month simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the Additional District and Sessions Judge, Pudukkottai, in Crl.A.No.43 of 2022. The learned Additional District and Sessions Judge, Pudukkottai, confirmed the conviction and reduced the sentence imposed on



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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.

3. The 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.

4. 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.

5. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

6. 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



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and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this revision.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge, Pudukkottai, in Crl.A.No.43 of 2022 dated 06.12.2023 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 learned Judicial Magistrate No.I, Pudukkottai.

ii) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Pudukkottai, 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 his residential address and mobile number to the Trial Court ie., learned Judicial Magistrate No.I, Pudukkottai.



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

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

CP

TO

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI,
- 2.THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 4.THE INSPECTOR OF POLICE
PUDUKOTTAI TOWN POLICE STATION, PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

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in

Crl.R.C(MD) No.202 of 2024

Date :26/02/2024

RK/GS(01/03/2024) 5P / 6C

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