



CRL MP(MD) No.2762 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2762 of 2024

in

CRL A(MD)No.181 of 2024

PARAMASIVAN

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.13 OF 2017.

... RESPONDENT/COMPLAINANT

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 delivered in SC.No.225 of 2018 on the file of the Principal Sessions and District Judge,Tuticorin,Tuticorin District passed in Judgment dt.19.2.2024 and enlarge the Petitioner on bail till the disposal of the main Appeal.

PRAYER in CRL A(MD)No.181 of 2024:

To call for the record and set aside the Judgment passed in S.C.No.225/2018 dated 19.02.2024 on the file of the Principle Session and District Judge, Tuticorin, Tuticorin District and acquit the above Accused from the charges.

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.RAAMAKRISHNAN KA., Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(Crl.side) on behalf of the Respondent, the Court made the following order:-



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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal Sessions and District Judge, Tuticorin, in S.C.No.225 of 2018, dated 19.02.2024, till the disposal of this Criminal Appeal.

2. According to the prosecution, the accused/petitioner's brother one Balakrishnan had previous enmity with the defacto complainant and thereby, a complaint was given by the defacto complainant against the said Balakrishnan to the police. In retaliation to the complaint, the accused herein went to the defacto complainant's shop and attacked him with the iron rod and also made damages to the showcase of the shop. Based on a complaint, the respondent police registered FIR against the petitioner/accused in Crime No.13 of 2017 on the file of the respondent police for the offence punishable under Sections 294(b), 324, 506(ii) and Section 3 of TNPPDL Act and the same was taken on file in S.C.No.225 of 2018 on the file of the learned Principal Sessions and District Judge, Tuticorin. The petitioner was found guilty for the offence punishable under Sections 294(b), 324 and 506(ii) of IPC and Section 3(1) of TNPPDL Act. The petitioner/accused was convicted and sentenced to pay a fine of each Rs.500/- with 3 months Simple Imprisonment in case



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of default for the offences under Sections 294(b) and 324 of IPC, to undergo 3 months Simple Imprisonment for the offence under Section 506(ii) of IPC and to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- with 3 months Simple Imprisonment in case of default for the offences under Section 3(1) of TNPPDL Act. Challenging the above said conviction and sentence, the petitioner/accused has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submits that due to personal grudges between the petitioner's brother and the defacto complainant in respect of money dispute, he has been falsely implicated in this case and that the said occurrence had not taken place as alleged by the prosecution. The Court below has not considered the fact that the prosecution has neither examined the CCTV footages available in the shop of P.W.1 nor the independent witnesses present nearby the alleged occurrence. Learned counsel further submitted that the Material Objects are also produced before the Court below in a delayed manner and there is no proper explanation offered by the prosecution. He submitted that if the petitioner is released on bail, he is ready to abide any conditions imposed by this Court and thereby, he prayed for bail.



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4. Learned Additional Public Prosecutor appearing for the respondent submitted that the trial Court has already suspended the sentence till 19.03.2024.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the facts and circumstance of the case, this Court is of the *prima facie* view that the sentence imposed on the petitioner is to be suspended pending this appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Sessions and District Judge, Tuticorin, in S.C.No.225 of 2018, dated 19.02.2024 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 Principal Sessions and District Judge, Tuticorin;



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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 Principal Sessions and District Judge, Tuticorin, on the first working day of every English calendar month at 10.30 a.m., until further orders.;

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Principal Sessions and District Judge, Tuticorin.

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

sd/-
05/03/2024

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

PKN



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TO
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- 1 THE PRINCIPAL SESSIONS AND DISTRICT JUDGE,
TUTICORIN, TUTICORIN DISTRICT.
- 2 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO M/S.K.LAKSHMI PARVATHI, ADVOCATE IN SR No.2766 DATED
06/03/2024

ORDER
IN
CRL MP(MD) No.2762 of 2024
in
CRL A(MD)No.181 of 2024
Date :05/03/2024

SS/VR/SAR- /08/03/2024/6P/5C

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