



CRL MP(MD) No.2984 of 2024

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

Friday, the Eighth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2984 of 2024

in

CRL RC(MD)No.262 of 2024

1 K.RAJENDRAN

2 R.INDIRAGANDHI

... PETITIONERS/PETITIONERS/
APPELLANTS/ACCUSED No.1 AND 2

Vs

THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 85 OF 2013

... RESPONDENT/RESPONDENT/
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 enlarge the petition on bail and suspend the sentence imposed by the learned District Munsif cum Judicial Magistrate Court Orathanadu Passed in CC.No.285/2014 dated 14.02.2023 which is confirmed by the Honourable III Additional District and Sessions Judge Thanjavur @ Pattukottai in Crl.A.No.86 of 2023 by the judgment dated 10.01.2024.

Prayer in CRL RC(MD). 262/ 2024 :

To call for the entire records relating to the judgment passed by the Honourable III Additional District and Sessions Judge Thanjavur @ pattukottai in Crl.A.No.86/2023 dated 10.01.2024 whereby the judgment of the learned District Munsif -c um-Judicial Magistrate Court, Orathanadu passed in C.C.No.285 of 2014 dated 14.02.2023 was confirmed.



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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.KANDASAMY P, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent while admitting the Criminal Revision Petition.,, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Crl.A.No.86 of 2023, dated 10.01.2024, on the file of the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai , and to enlarge the petitioner on bail, till the disposal of this Criminal Revision.

2. The petitioner/accused is arrayed as the first accused. The case of the prosecution is that on 10.04.2013, when the defacto complainant (L.W.1) and his daughter L.W.2 were in their house, the petitioner/accused along with another accused by questioning their non-commitment to provide "Sridhan" to the relatives in the marriage function had attacked the defacto complainant (L.W.1) and thereby, he has committed the offence punishable under Section 326 of IPC. The learned trial Court found the petitioner/accused guilty under Section 326 of IPC. The petitioner was convicted and sentenced to undergo one year S.I and to pay a fine of Rs.10,000/- with conditional clause. The petitioner has preferred an appeal before the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai. The



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appellate Court has also confirmed the order of the trial Court. Aggrieved against the same, the petitioner has filed the present revision along with the suspension of sentence petition.

3. The learned counsel for the petitioner submitted that the Court below failed to consider the different versions of the evidence of the witnesses regarding the place and time of occurrence. Furthermore, the alleged weapon was not recovered by the prosecution. The trial Court failed to consider that some of the important witness has not been examined by the prosecution. Learned counsel submitted that the petitioner is now aged about 63 years and thereby, he prayed for bail.

4. Per contra, learned Government Advocate (Crl. Side) submitted that both the Courts below have meticulously and concurrently found that the accused is guilty for the offence charged and hence, he opposed to grant the suspension of sentence.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.



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6. Considering the limited period of sentence, age of the petitioner 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 Revision.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai , in CrI.A.No.86 of 2023 dated 10.01.2024 alone is suspended, subject to the following conditions:-

i) 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 District Munsif-cum-Judicial Magistrate, Orathanadu;

ii) The petitioner shall appear and sign before the learned District Munsif-cum-Judicial Magistrate, Orathanadu, on the first working day of every English calendar 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, he shall appear on the next working day.



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iv) The petitioner shall furnish his residential address and mobile number to the trial Court i.e., the learned District Munsif-cum-Judicial Magistrate, Orathanadu.

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

sd/-
08/03/2024

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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
TO

- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THANJAVUR @ PATTUKOTTAI.
- 2 THE DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, ORATHANADU.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION, THANJAVUR DISTRICT.



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

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.KANDASAMY, Advocate (SR-2939[I] dated 08/03/2024)

ORDER
IN
CRL MP(MD) No.2984 of 2024
in
CRL RC(MD)No.262 of 2024
Date :08/03/2024
(1/2)

SS/GS/SAR- /14/03/2024/6P/8C

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