



CRL MP(MD) No.2881 of 2024

WEB COPY

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2881 of 2024
in
CRL RC(MD)No.254 of 2024

JOHNSON

... PETITIONER/PETITIONER

Vs

THE SUB INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

... 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 passed in C.C No. 125 of 1997 dated 03.11.2011 on the file of the Learned Judicial Magistrate, Padmanabapuram and confirmed in C.A No. 118 of 2011 dated 22.09.2023 on the file of the Honble Additional District and Sessions court, Padmanabapuram.

Prayer in CRL RC(MD). 254/ 2024 :

To call for the records of the Judgment dated 22.09.2023 passed in C.A no. 118/2011 on the file of the Additional District and Sessions Court, Padmanabapuram confirming the judgment passed in C.C No. 125 of 1997 dated 03.11.2011 on the file of the Learned Judicial Magistrate, Padmanabapuram and set aside the same by allowing this revision petition.



CRL MP(MD) No.2881 of 2024

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.S.POORNACHANDRAN, 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 imposed on the petitioner by the learned Additional District and Sessions Judge, Padmanabhapuram, in C.A.No.118 of 2011, dated 22.09.2023, till the disposal of this Criminal Revision.

2. The petitioner/accused herein is arrayed as third accused. The main allegation of the prosecution is that, owing to the property dispute, the petitioner/accused along with other accused, illegally restrained the witnesses namely, Sophi and Sasikumar. The accused/petitioner along with other accused abused the witnesses and attacked them thereby caused injuries. Therefore, the accused are punishable under Sections 341, 324 and 326 of IPC. Learned Judicial Magistrate, Padmanabhapuram, by judgment dated 03.11.2011 convicted the petitioner/accused to pay a fine of Rs.500/- with 2 weeks Simple Imprisonment in case of default for the offence under Sections 341 of IPC and to undergo 3 months



CRL MP(MD) No.2881 of 2024

WEB COPY

Rigorous Imprisonment for the offence under Section 324 of IPC and to pay a fine of Rs.500/- with 3 months Simple Imprisonment in case of default. The appellate Court also confirmed the punishment and sentence imposed on the petitioner. Aggrieved against the same, the petitioner filed the present revision along with the suspension of sentence petition.

3. The learned counsel appearing for the petitioner submits that the alleged injured witnesses have not given cogent evidence and there are several contradictions in their evidences which goes to the root of the matter. Moreover, the medical evidence is neither in conformity with the evidence of the alleged injured witnesses nor is in support of the prosecution and the findings of the Court below are based on conjectures and surmises. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent 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.



CRL MP(MD) No.2881 of 2024

WEB COPY
on record.

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

6. Considering the limited period of sentence 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 Additional District and Sessions Judge, Padmanabhapuram, in C.A.No.118 of 2011, dated 22.09.2023 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 Judicial Magistrate, Padmanabhapuram;

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;



CRL MP(MD) No.2881 of 2024

WEB COPY

iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Padmanabhapuram, 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 Judicial Magistrate, Padmanabhapuram.

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

sd/-
07/03/2024

/ TRUE COPY /

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

PKN

TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PADMANABAPURAM.
- 2 THE JUDICIAL MAGISTRATE,
PADMANABAPURAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.



CRL MP(MD) No.2881 of 2024

4 THE SUB INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION, KANYAKUMARI DISTRICT.

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.

ORDER
IN
CRL MP(MD) No.2881 of 2024
in
CRL RC(MD)No.254 of 2024
Date :07/03/2024
(1/2)

SS/JGB/SAR- /13/03/2024/6P/7C

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