



CRL MP(MD) No.2889 of 2024

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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.2889 of 2024  
in  
CRL RC(MD) No.255 of 2024

MARUTHAKASI

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE  
EARVADI DHARGA POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CRIME NO. 95/2018

... 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 imposed by learned Principal Sessions court, Ramanathapuram distirct in Crl A No. 45 of 2023 by the Judgment dt. 31.10.2023 by confirming the conviction and sentence imposed by the Chief Judicial Magistrate in S.C.No.37 of 2020 by the Judgment dated 10.07.2023, and enlarged the petitioner on bail pending disposal of this Criminal Revision.

Prayer in CRL RC(MD). 255/ 2024 :

To call for the records and set aside the conviction imposed by the learned Principal Sessions Judge, Ramanathapuram District in Crl A No. 45 of 2023 by the Judgment dt. 31.10.2023 by confirming the conviction and sentence imposed by the learned Chief Judicial Magistrate in S.C.No.37 of 2020 by the Judgment dated 10.07.2023.

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.P.T.RAMESH RAJA, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Crimina Revision Case, the court made the following order:-



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This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in CrI.A.No.45 of 2023, dated 31.10.2023, on the file of the learned Principal Sessions Judge, Ramanathapuram, and to enlarge the petitioner on bail, till the disposal of this Criminal Revision.

2.The case of the prosecution is that the defacto complainant and the accused are relatives. The defacto complainant is son of the injured Shanmugavel. Owing to the property dispute, the accused abused and attacked the injured person by spade on his head and thereby the injured sustained grievous injuries. Thereafter, based on a complaint, the respondent police registered a case in Crime No.95 of 2018 and filed a charge sheet against the petitioner under Sections 294(b), 326, 307 and 506(ii) of IPC. Learned Judicial Magistrate No.2, Ramanathapuram, took cognizance in P.R.C.No.76 of 2019 for the offences under Sections 294(b), 326, 307 and 506(ii) of IPC. The same was made over to the Assistant Sessions Court/Sub Court, Ramanathapuram for exclusive trial. The petitioner was convicted for the offence punishable under Section 326 of IPC and sentenced him to undergo 2 years imprisonment for the offence and to pay a fine of Rs.2,000/- with the default conditional clause. The petitioner has preferred an appeal before the learned Principal Sessions Judge, Ramanathapuram. The 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



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suspension of sentence petition.

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3.The learned counsel for the petitioner submitted that the prosecution examined 11 witnesses, in which, P.W.1/son of the victim, who lodged the complaint is only a hearsay witness and P.W.3 who is having enmity with the petitioner has also clearly stated that she reached the scene of occurrence only after the occurrence. Hence, there are many material contradictions in the evidence of the witnesses and this is a false case foisted against the petitioner. Moreover, the alleged incident took place on 03.11.2018 and now, the petitioner is aged about 75 years and thereby, he prayed for bail.

4.Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor 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 Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

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.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Sessions Judge, Ramanathapuram, in CrI.A.No.45 of 2023 dated 31.10.2023 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 Chief Judicial Magistrate, Ramanathapuram;

ii) The petitioner shall appear and sign before the learned learned Chief Judicial Magistrate, Ramanathapuram, 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.

iv) The petitioner shall furnish his residential address and mobile number to the trial Court i.e., the learned learned Chief Judicial Magistrate, Ramanathapuram.

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

sd/-

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



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1 THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE, EARVADI DHARGA POLICE STATION,  
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate ( SR-2888[I] dated 07/03/2024 )

ORDER IN  
CRL MP(MD) No.2889 of 2024  
in

CRL RC(MD) No.255 of 2024

Date :07/03/2024

RS/JGB/SAR-(15.03.2024) 5P 6C  
Madurai Bench of Madras High Court is issuing  
certified copies in this format from 17/07/2023