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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Sixth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2885 of 2024
in
CRL RC(MD)No.238 of 2024

KAMARAJ

... PETITIONER

Vs

THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.

... 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 imposed by the Principal Sessions Judge Thanjavur in Criminal Appeal No.108/2022 dated 13.07.2023 confirming the judgment and sentence passed by the learned Judicial Magistrate No.III Thanjavur in CC.No.66/2019 dated 27.10.2022 and to enlarge the petitioner on bail pending disposal of the above said Criminal Revision Petition.

Prayer in CRL RC(MD). 238/ 2024 :

To call for the records pertaining to the Judgment passed by the Learned Principal Sessions Judge, Thanjavur in Criminal Appeal No.108 of 2022 dt.13.07.2023 by confirming the Judgment passed by the Learned Judicial Magistrate No.III in C.C.No.66 of 2019 dated 27.10.2022 and set aside the same.

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.K.NAVANEETHARAJA, Advocate for the petitioner and of Mr.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Revision Petition., 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.108 of 2022, dated 13.07.2023, on the file of the learned Principal Sessions Judge, Thanjavur, and to enlarge the petitioner on bail, till the disposal of this Criminal Revision.

2. The case of the prosecution is that due to pathway dispute between the petitioner/accused and the defacto complainant, on 27.04.2018 at about 20.00 hrs., while the defacto complainant was talking with L.W3 Krishnamoorthy, the accused abused the defacto complainant in filthy language and assaulted him causing grievous injury to him. The respondent police has filed a final report for the offences punishable under Sections 294(b), 324, 506(ii) of IPC altered into Sections 294(b), 326 and 506(i) of IPC. Taking cognizance of the complaint, he was convicted by the learned Judicial Magistrate No-III, Thanjavur , for the offences punishable under Section 326 of IPC and sentenced him to undergo one year Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment. 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.



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3. The learned counsel for the petitioner submitted that as per the version of P.W.2, she was not present at the scene of occurrence and P.W.3 has turned hostile and therefore, they did not support the case of the prosecution. Learned counsel further submitted that without considering these aspects and appreciating the evidence in a proper perspective, the lower Court had convicted the petitioner. He also stated that the petitioner has paid the fine amount. Hence, the learned counsel prays for grant of suspension of sentence to the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

6. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the *prima facie* view that the sentence 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, Thanjavur, in CrI.A.No.108 of 2022 dated 13.07.2023 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 No-III, Thanjavur ;

ii) The petitioner shall appear and sign before the learned Judicial Magistrate No-III, Thanjavur, 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., learned Judicial Magistrate No-III, Thanjavur.



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allowed.

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

sd/-
06/03/2024

/ TRUE COPY /

11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION, THANJAVUR DISTRICT.
- 5 THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

ORDER
IN
CRL MP(MD) No.2885 of 2024
in
CRL RC(MD)No.238 of 2024
Date :06/03/2024

SS/SAR- /11/03/2024/6P/8C

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