



Crl.M.P.(MD) No.3871 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.3871 of 2024

in

Crl.R.C(MD) No.340 of 2024

ANISH

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
KANNIYAKUMARI 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 imposed by the Addl Sessions Judge, Kuzhithurai in Criminal Appeal No. 66 of 2017 dt. 07.01.2023 confirming the judgment and sentence passed by the learned Assistant Sessions Judge, Kuzhithurai in S.C No. 121 of 2012 dated 04.04.2017 and to enlarge the petitioner on bail pending disposal of this above said Criminal Revision Petition.

Prayer in CRL RC(MD). 340/ 2024 :

To call for the records pertaining to the Judgment passed by the learned Additional Sessions Judge, Kuzhithurai in Criminal Appeal no. 66 of 2017 dt. 07.01.2023 by confirming the judgment passed by the learned Assistant Sessions court Kuzhithurai in S.C.No.121 of 2012 dated 04.04.2017 and set aside the same.



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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 MR.K.NAVANEETHARAJA, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate(Crl.side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Additional Sessions Judge, Kuzhithurai, in Crl.A.No.66 of 2017 dated 07.01.2023 and to enlarge him on bail, pending disposal of the Criminal Revision.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner/accused in Crime No.25 of 2012 on the file of the respondent/Inspector of Police, Puthukadai Police Station, Kanniyakumari District, for the offences punishable under Sections 294(b) and 307 of IPC and the same was taken on file in S.C.No.121 of 2012 before the learned Assistant Sessions Judge, Kuzhithurai. The petitioner was convicted and sentenced to undergo 2 ½ years simple imprisonment and a fine of Rs.5,000/- with one month simple imprisonment in case of default for the offence under Section 307 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned Additional Sessions Judge, Kuzhithurai, in Crl.A.No.66 of 2017 and the



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same was also dismissed on 07.01.2023. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and did not commit any offence as alleged by the prosecution. He further submitted that the Courts below failed to consider the fact that P.W.13/Investigation Officer in his cross examination has deposed that P.W.2/victim did not give any statement to him that 6 known persons has assaulted him and P.W.7 /Doctor in his cross examination has deposed that in the wound certificate issued to the victim, it was stated that the place of occurrence was Kumbakodu. But in contra, in the FIR, the place of occurrence is mentioned as Kanjiramugam Bathrakaaliamman Temple. The prosecution failed to prove the allegation levelled against him and corroborate the evidence of prosecution witnesses and accordingly, learned counsel prays for suspension of sentence.

4. Per contra, Mr.M.Muthumanikkam, learned Government Advocate (Crl. side) submitted that the petitioner is the accused in this case and has voluntarily caused grievous injury to the victim and the victim clearly deposed in his evidence about the



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incident and hence, he strongly opposed to grant suspension of sentence to the petitioner.

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5. Heard the learned counsel on either side and 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 Criminal Revision.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional Sessions Judge, Kuzhithurai, in Crl.A.No.66 of 2017 dated 07.01.2023 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 Additional Sessions Judge, Kuzhithurai.

ii) The petitioner shall appear and sign before the learned Additional Sessions Judge, Kuzhithurai, on the first working day of



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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 ie., learned Additional Sessions Judge, Kuzhithurai.

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

sd/-
28/03/2024

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/04/2024

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

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TO

1.THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI.

2.THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
KANNIYAKUMARI DISTRICT.



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

ORDER
IN
Crl.M.P.(MD) No.3871 of 2024
in
Crl.R.C(MD) No.340 of 2024
Date :28/03/2024

RK/GS (10/04/2024) 6P / 4C

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