



CRL MP(MD) No.3834 of 2024

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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 MP(MD) No.3834 of 2024

in

CRL RC(MD)No. 339 of 2024

1 SOLAIMALI @ CHINNAKAALAI

2 BACKIYAM

... REVISION PETITIONERS/ PETITIONERS

Vs

THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI

... 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 order to suspend the order of conviction dt 22.12.2023 in CrI.A.No.37/2023 on the file of the learned Additional District Sessions Judge Pudukkottai in CC.No.30/2019 dt 28.02.2023 on the file of the Judicial Magistrate Illuppur pending disposal of this criminal revision petition.

PRAYER IN CRL A(MD)No. 339 of 2024:

Pleased to call for the records relating to the Judgment passed in C.C.No. 30/2019 on 28.02.2023 on the file of the Learned Judicial Magistrate, Iluppur confirmed in Criminal Appeal No. 37/2023 dated 22.12.2023 by the learned Additional District and Sessions Judge, Pudukkottai and set aside the same and thereby the acquit petitioners/ Accused by allowing this Criminal Revision Petition.

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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.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on them by the learned Additional District and Sessions Judge, Pudukkottai in Crl.A.No.37 of 2023 dated 22.12.2023 and to enlarge them on bail, pending disposal of the Criminal Revision.

2. It is submitted by the learned counsel for the petitioners that a case has been registered against the petitioners/accused in Crime No.180 of 2015 on the file of the respondent/Inspector of Police, Viralimalai Police Station, Pudukkottai, for the offences punishable under Sections 323 and 324 of IPC and the same was taken on file in C.C.No.30 of 2019 before the learned Judicial Magistrate, Illuppur. The 1st petitioner was convicted and sentenced to undergo 6 months simple imprisonment and a fine of Rs.3,000/- with two months simple imprisonment in case of default for the offence under Section 324 of IPC. The 2nd petitioner was convicted and sentenced to undergo 3 months simple imprisonment and a fine of Rs.1,000/- with two months simple imprisonment in case of default for the offence under Section 323 of IPC.

Challenging the above said conviction and sentence, the petitioners have preferred

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the Criminal Appeal before the learned Additional District and Sessions Judge, Pudukkottai in Crl.A.No.37 of 2023 and the same was also dismissed on 22.12.2023. Challenging the concurrent findings of the Courts below, the petitioners have preferred the present Criminal Revision along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and did not commit any offence as alleged by the prosecution. He further submitted that the Courts below failed to see that P.W.1 and A2 have land dispute regarding Neem tree which was in the 1st petitioner/A1 land only and the 2nd petitioner/A2 was assaulted by the defacto complainant and three others due to previous enmity. The prosecution failed to prove the allegation levelled against them 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 petitioners are the accused in this case and has voluntarily caused grievous injury to the victim and the victim clearly deposed in his evidence about the 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 petitioners 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 District and Sessions Judge, Pudukkottai in Crl.A.No.37 of 2023 dated 22.12.2023 alone is suspended, subject to the following conditions:-

i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Pudukkottai.

ii) The petitioners shall appear and sign before the learned Additional District and Sessions Judge, Pudukkottai on the first working day of every English calendar month at 10.30 a.m., until further orders.

iii) In case, if the petitioners are unable to appear before the Court on the first working day of a month, they shall appear on the next working day.

iv) The petitioners shall furnish their residential address and mobile number to

the Trial Court ie., learned Additional District and Sessions Judge, Pudukkottai.

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

RM
TO

- 1 THE JUDICIAL MAGISTRATE,ILUPPUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION, PUDUKKOTTAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3834 of 2024
in
CRL RC(MD)No. 339 of 2024
Date :28/03/2024

PKP/GS/SAR /10.04.2024/ 5P/ 6C
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