



CRL MP(MD) No.4668 of 2024

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

Monday, the Twenty Ninth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.4668 of 2024

in

CRL RC(MD) No.434 of 2024

T.P.RAMASAMY

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
CCIWCID POLICE STATION,
PUDUKOTTAI DISTRICT.
CRIME NO.1/1998

... 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 enlarge the petitioner on bail and suspend the sentence passed in Judgment dated 26/10/2022 in Crl.A.No.16/2019, on the file of the Principal District and Sessions Judge, Pudukottai confirming the conviction and sentence passed by the Judicial Magistrate No.II, Pudukkottai by its Judgment dated 08.03.2019 in C.C.No.172 of 2018, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 434/ 2024 :

To call for the records in judgment dated 26/10/2022 passed in Crl.A.No.16/2019 on the file of the Principal District and Sessions Judge, Pudukottai confirming the conviction and sentence passed by the Judicial Magistrate No.II, Pudukottai by its Judgment dated 08.03.2019 in C.C.No.172/2018 and set aside the same by allowing this Criminal Revision Petition.

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

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MR.A.ARUL JENIFER, Advocate for M/S.KBS LAW OFFICE for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to enlarge the petitioner on bail and suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Pudukkottai, in C.A.No.16 of 2019 dated 26.10.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Pudukkottai, in C.C.No.172 of 2018, pending disposal of the main Criminal Revision.

2.According to the petitioner, the petitioner was working as 'Clerk' in Viralimalai Primary Agricultural Co-operative Bank, Pudukkottai Distric. He had misappropriated a sum of Rs.84,254.05/- by not paying the sales amount in the Bank. Hence the respondent police registered a case in Crime No.01 of 1998 for the offence under Section 409 and 477(A) of IPC. After investigation, the respondent police filed final report before the learned Judicial Magistrate No.II, Pudukkottai, and the same was taken on cognizance in C.C.No.172 of 2018 for the offence under Section 409 and 477(A) of IPC.

3.During the trial, the prosecution has examined 14 witnesses as P.W.1 to P.W.14 and exhibited 185 documents as Ex.P.1 to Ex.P.185. However, neither a witness was examined nor a document was exhibited on the side of the accused.

4.The learned Judicial Magistrate No.II, Pudukkottai, after full-fledged trial, has



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passed the judgment in C.C.No.172 of 2018, dated 08.03.2019, and convicted the petitioner/accused for the offence under Section 409 and 477(A) of IPC and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo one month Rigorous Imprisonment and sentenced him to undergo one year Rigorous Imprisonment for the offence under Section 477(A) of IPC. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Principal District and Sessions Judge, Pudukkottai, in C.A.No.16 of 2019. However, the same was dismissed on 26.10.2022, thereby confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal Revision Case along with the present Miscellaneous Petition seeking for suspension of sentence.

5.The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospective and hence, the judgments are suffered from perversity. He further submitted that the petitioner has also undertakes to deposit a further sum of Rs.75,000/-(Rupees Seventy Five Thousand only) to the respondent. Hence, he seeks for the suspension of sentence.

6. This Court has carefully considered the submission made by the counsel for



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the petitioner and also perused the materials available on record.

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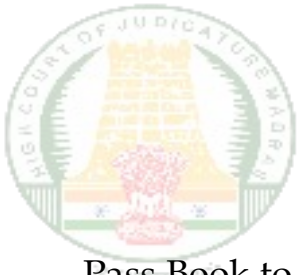
7. Considering the fact that the petitioner undertakes to deposit a further sum of Rs.75,000/- (Rupees Seventy Five Thousand only) and there was no antecedent against the petitioner and there are some arguable points involved in the criminal revision, this Court is inclined to grant suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of C.C.No.172 of 2018 on the file of the learned Judicial Magistrate No.II, Pudukkottai, on or before 18.07.2024, failing which the sentence suspended shall automatically be dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, 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.II, Pudukkottai;

(iii) 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



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Pass Book to ensure their identity; and

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(iv) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

8.1. On such deposit being made, the learned trial judge, is hereby directed to re-deposit the amount of Rs.75,000/- in any one of the Nationalized Bank in interest bearing account.

9. Post the matter on 19.07.2024, for reporting compliance.

sd/-

29/04/2024

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/06/2024

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

vsg

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE, CCIWCID POLICE STATION, PUDUKOTTAI.

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

+1 CC TO M/S.KBS LAW OFFICE, ADVOCATE, SR-5265[I] DATED 30/04/2024
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ORDER

IN

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in

CRL RC(MD) No.434 of 2024

Date :29/04/2024

RS/VR/SAR-(11.06.2024) 6P 7C

Madurai Bench of Madras High Court is issuing
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