



CRL MP(MD) No.5448 of 2024

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

Thursday, the Twenty Third day of May Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL MP(MD) No.5448 of 2024

IN

CRL RC(MD) No.508 of 2024

MEENAKSHI

... PETITIONER/PETITIONER
/ APPELLANT/ ACCUSED-1

Vs

THE SUB INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.999 OF 2022)

... RESPONDENT/RESPONDENT
/RESPONDENT/COMPLAINANT

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 in C.C.No. 55 of 2023 dt.31.05.2023 by the Learned Judicial Magistrate No.1, Kumbakonam confirmed by the Principal District and Sessions Judge, Thanjavur in Criminal Appeal No.199 of 2023 dated 12.12.2023 and enlarge the petitioner on bail pending disposal of main Criminal Revision.

Prayer in CRL RC(MD). 508/ 2024 :

To call for records and set aside the conviction and sentence passed in C.C.No.55 of 2023 dated 31.05.2023 by the Learned Judicial Magistrate No.1, Kumbakonam confirmed by the Principal District and Sessions Judge, Thanjavur in Criminal Appeal No.199 of 2023 dated 12.12.2023.



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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 M/S.P.MANIMARAN, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.55 of 2023, vide judgement dated 31.05.2023, which was confirmed by the lower appellate Court in Crl.A.No.199 of 2023, vide judgement dated 12.12.2023 pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate No.1, Kumbakonam, vide judgment dated 31.05.2023 passed in C.C.No.55 of 2023, convicted the petitioner for the offence punishable under Section 379 of IPC and sentenced him to undergo one year Rigorous Imprisonment and to pay the amount of Rs.10,000/-, in default, to undergo further simple imprisonment for one month. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.199 of 2023, which was also confirmed by the learned Principal Sessions Judge, Thanjavur vide judgment dated 12.12.2023.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that there is no duly proved legally enforceable debt as against the petitioner and there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of



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sentence.

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5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows :

(i) The petitioner is directed to 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 Judicial Magistrate No.1, Kumbakonam.

(ii) 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 Pass Book to ensure their identity; and

(iii) 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 and if he is not able to appear before the trial Court on any day, he shall make



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arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
23/05/2024
/ TRUE COPY /
/05/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

abr

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE SUB INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

5 THE SUPERINTEDENT,
SPECIAL PRISON FOR WOMEN, TRICHY.

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

+1 CC TO MR.S.P.MANIMARAN, ADVOCATE, SR-5753[I] DATED 24/05/2024



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ORDER

IN

CRL MP(MD) No.5448 of 2024

IN

CRL RC(MD) No.508 of 2024

Date :23/05/2024

RS//SAR-(23.05.2024) 5P 8C

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