



CRL MP(MD) No.5345 of 2024

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

Wednesday, the Twenty Second day of May Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL MP(MD) No.5345 of 2024

in

CRL RC(MD)No.501 of 2024

1 M.BASKARAN @ BASKAR

2 MURUGESAN

3 THANARAJ

... PETITIONER/ APPELLANT/ ACCUSED No.1 TO 3

Vs

THE INSPECTOR OF POLICE
CHINNADHARAPURAM P.S,
KARUR.

IN CRIME NO.52/2018.

... 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 pass an order suspending the sentence as imposed on them by means of the Judgment dt 10.04.2024 made in C.A.123/2022 by the Honble Principal District and Sessions Judge, Karur District confirming the order of sentence as made in C.C.424 of 2019 dated 13.10.2022 by the Hon'ble District Munsiff cum Judicial Magistrate, Aravakurichi Karur District and enlarge the Petitioner on bail pending disposal of the above Criminal Revision Petition by this Hon'ble Court.



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Prayer in CRL RC(MD). 501/ 2024 :

To call for the records in connection with C.A.No.123 of 2022 dated 10.04.2024 on the file of the Honble Principal District Judge, Karur and by confirming the order of conviction and sentence as made in C.C.No.424 of 2019 dated 13.10.2022 on the file of the Hon'ble District Munsif Cum Judicial Magistrate, Aravakurichi, Karur District and set aside the same as illegal and devoid of merits forewith.

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.SARAVANAN.M, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Revision Petition.,, the Court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in C.C.No.424 of 2019, vide judgement dated 13.10.2022, which was confirmed by the lower appellate Court in C.A.No.123 of 2022, vide judgement dated 10.04.2024, pending disposal of the Criminal Revision Petition.

2. The case of the prosecution is that on 23.01.2018 at about 22.30 hours, near T.Venkatapuram, the defacto complainant was on his duty as a conductor in Government bus bearing Registration No.TN-33-N-2264 and at about 21.30 hours, when the defacto complainant take a trip from Tharapuram Depo, he asked the petitioners/accused 1 to 3 where they have to go and the petitioners told him that they have to go to Soodamani, for that the defacto complainant informed that the bus will not stop at Soodamani and on hearing the same, the petitioners bought



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tickets for Chinnatharapuram bus stop. Meanwhile, when the bus proceeded near Venkatapuram division, the first petitioner asked the defacto complainant to stop the bus and scolded him with filthy language and slapped him in his cheeks. Further, the petitioners 2 and 3 also scolded the defacto complainant with filthy language and they kicked him with their foot and caused injuries and also threatened him with dire consequences and therefore FIR came to be registered against the petitioners in Crime No.55 of 2018 for the offences under Sections 294(b), 323, 353 and 506(1) IPC.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.424 of 2019. The learned District Munsif cum Judicial Magistrate, Aravakurichi, vide judgment dated 13.10.2022 convicted the petitioners for the offence punishable under Sections 294(b), 323 and 353 IPC and sentenced them to undergo 3 months simple imprisonment for the offence under Section 294(b) IPC, to undergo 3 months simple imprisonment for the offence under Section 323 IPC and to undergo 6 months simple imprisonment for the offence under Section 353 IPC. Challenging the above judgment, the petitioners preferred an appeal in Crl.A.No.123 of 2022, which was also confirmed by the learned Principal District Judge, Karur, vide judgment dated 10.04.2024. Challenging the above said conviction and sentence, the accused have preferred the



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present Criminal Revision along with the above miscellaneous petition for suspension of sentence.

4. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. .

5. The learned Additional Public Prosecutor appearing for the respondent has not raised any serious objection to grant suspension of sentence.

6. Heard both sides and also perused the materials available on record.

7. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on 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 District Munsif cum Judicial Magistrate, Aravakurichi;



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(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 petitioners shall appear before the concerned Court on all working days at 10.30 a.m., for a period of one month and thereafter appear before the concerned Court once in a month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make 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 their absence, as directed by the trial Court.

sd/-
22/05/2024

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/05/2024

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

CSM
TO

1 THE PRINCIPAL DISTRICT JUDGE,
KARUR

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARAVAKURICHI.



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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4 THE INSPECTOR OF POLICE
CHINNADHARAPURAM P.S,
KARUR.

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

+1 CC to M/s.M.SARAVANAN, Advocate (SR-5756[I] dated 24/05/2024)

ORDER

IN

CRL MP(MD) No.5345 of 2024

in

CRL RC(MD)No.501 of 2024

Date :22/05/2024

SS/VR/SAR- /28/05/2024/6P/7C

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