



CRL MP(MD) No.5339 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.5339 of 2024
in
CRL RC(MD)No.496 of 2024

1 RAVEENDRAN

2 ARUMUGAM PILLAI

3 RAJAGOPAL

... PETITIONERS/PETITIONERS

Vs

THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.61/2009.

... 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 by suspending the sentence imposed in Crl.A.No.49 of 2013 dated 05.04.2024 on the file of the Principal Sessions Court, Nagercoil confirming the Judgment passed in C.C.No.128 of 2010 dated 24.06.2013 on the file of the Judicial Magistrate Court No.I, Nagercoil.

Prayer in CRL RC(MD). 496/ 2024 :

To set aside the judgment passed in Crl.A.No.49 of 2013 dt.05.04.2024 on the file of the Principal Sessions Court, Nagercoil confirming the Judgment passed in C.C.No.128 of 2010 dt.24.06.2013 on the file of the Judicial Magistrate Court No.I, Nagercoil and acquit the petitioner.



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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.KARTHICK.R.J., Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents 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.128 of 2010, vide judgement dated 24.06.2013, which was modified by the lower appellate Court in C.A.No.49 of 2013, vide judgement dated 05.04.2024, pending disposal of the Criminal Revision Petition.

2. The case of the prosecution is that the petitioners/accused 1 to 4, by impersonating one Raghavadhas, had created a sale deed fraudulently, for which, FIR came to be registered against the petitioners in Crime No.61 of 2009 for the offences under Sections 465, 467, 468 and 471 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.128 of 2010. The learned Judicial Magistrate No.1, Nagercoil, has passed the judgment dated 24.06.2013. The petitioners 1, 2 and 4 have been convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- each, in default, to



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undergo simple imprisonment for 15 days for the offence under Section 419 IPC and the petitioners 1 to 4 have been convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for 15 days for the offence under Section 468 IPC and the petitioners 2 and 3 have been convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for 15 days for the offence under Section 471 IPC.

4. Challenging the above judgment, the petitioners preferred an appeal in Crl.A.No.49 of 2013, which was modified by the learned Principal Sessions Judge, Nagercoil, vide judgment dated 05.04.2024 by acquitting the third petitioner/third accused for the offence under Sections 468 and 471 IPC. Challenging the above said conviction and sentence, the accused have preferred the present Criminal Revision along with the above miscellaneous petition for suspension of sentence.

5. The learned counsel appearing for the petitioners 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.

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



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

8. The learned counsel appearing for the petitioners 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.

9. 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 Judicial Magistrate No.1, Nagercoil;

(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



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(*)“(iii) The petitioners 1 and 3 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. The 2nd petitioner shall appear before the concerned Court as and when required for interrogation.”

sd/-
22/05/2024

(*)CORRECTED AS PER ORDER OF THIS
COUR DATED 23.07.2024 IN CRL MP
(MD)NO.7285 OF 2024 IN CRL MP(MD)
NO.5339 OF 2024 AND CRL RC(MD)
NO.496 OF 2024

/ TRUE COPY /

/07/2024

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

CSM

TO

1 THE PRINCIPAL SESSIONS JUDGE, NAGERCOIL.

2 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.



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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

4 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL, KANNIYAKUMARI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1 CC to M/s.R.J.KARTHICK, Advocate (SR-5674[I] dated 23/05/2024)

ORDER IN
CRL MP(MD) No.5339 of 2024
in CRL RC(MD) No.496 of 2024
Date :22/05/2024

SS/JGB/SAR- /28/05/2024/6P/7C
RK/VR/ (25.07.2024) 6P/7C

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