



CRL MP(MD) No.6394 of 2024

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

Tuesday, the Tenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.6394 of 2024

in

CRL RC(MD) No.623 of 2024

MANIKANDAN

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE
THIRUVIDAIMARUDHUR POLICE STATION,
(CRIME NO.97/2015.)

... 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 Suspend the sentence in respect of the conviction sentence passed in Crl A No.47/2024, dt.29.04.2024 on the file of the Principal Sessions Judge, Thanjavur by confirmed Judgment in CC No.391/2019, dt.29.01.2024 on the file of the District Munsif cum Judicial Magistrate, Thiruvudaimarudhur and enlarge the petitioner on bail pending disposal of the criminal revision petition.

Prayer in CRL RC(MD). 623/ 2024 :

To Call for all the records to set aside the judgment in Crl A No.47/2024 dt.29.04.2024 on the file of the Prl Sessions Judge, Thanjavur by confirmed the judgment and sentence passed in CC No.391/2019 dt.29.01.2024 on the file of the District Munsif cum Judicial Magistrate, Thiruvudaimarudhur and allow the criminal revision petition and acquit the petitioner from all charges framed against him.



CRL MP(MD) No.6394 of 2024

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.S.SANKAR, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-

This petition has been filed to suspend the sentence passed in Crl.A.No.47 of 2024, dated 29.04.2024 on the file of the learned Principal Sessions Judge, Thanjavur, by confirming the judgment in C.C.No.391 of 2019, dated 29.01.2024 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruvudaimarudhur and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel for the petitioner submitted that a case has been registered against the petitioner in Crime No.97 of 2015 on the file of the Thiruneelakudi Police Station, Thanjavur District, for the offence punishable under Sections 457 and 380 of IPC and the same was taken on file in C.C.No.391 of 2019 before the learned District Munsif-cum-Judicial Magistrate, Thiruvudaimarudhur. The petitioner was convicted for the offence under Sections 457 and 380 of IPC, and sentenced him to undergo rigorous imprisonment for a period of 3 years for each offence and to pay a fine of Rs.100/- for each offence, in default, to undergo simple imprisonment for a period of 3 months for each offence and the sentences were ordered to run concurrently by passing impugned judgment, dated 29.01.2024.



CRL MP(MD) No.6394 of 2024

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3. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned Principal Sessions Judge, Thanjavur in Crl.A.No.47 of 2024 and the same was dismissed on 29.04.2024. Against which, the petitioner has preferred the present Criminal Revision Case before this Court and filed this petition for suspension of sentence.

4. The learned counsel for the petitioner further submitted that the petitioner/Accused has been in custody from 29.01.2024. As on 29.11.2024, the total period of conviction of the petitioner including period of remand during investigation and period of conviction as convict prisoner is 2 years 5 months 12 days and the remaining period of sentence is 6 months 18 days. He would further submit 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. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent conceded that the petitioner is in judicial custody from 29.01.2024 and he raised a formal objection to allow this petition.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that there are certain



CRL MP(MD) No.6394 of 2024

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infirmities and inconsistencies present in this case, and also there are 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 considering the duration of custody, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, the suspension of sentence petition is allowed and the sentence of the imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) 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 District Munsif-cum-Judicial Magistrate, Thiruvidadaimarudhur;

(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



CRL MP(MD) No.6394 of 2024

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(iii) The petitioner shall appear before the trial Court on first working day of every week at 10.30 a.m. until further orders.

sd/-
10/12/2024

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10/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

To

- 1.The Principal Sessions Judge,
Thanjavur.
- 2.The District Munsif cum Judicial Magistrate,
Thiruvidaimarudhur.
- 3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 4.The Inspector of Police,
Thiruvidaimarudhur Police Station,
- 5.The Superintendent,
Central Prison,
Tiruchirappalli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL MP(MD) No.6394 of 2024

+1 CC to M/s.K.NAGENDRA PRASATH, Advocate (SR-15196[I] dated 10/12/2024

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ORDER
IN
CRL MP(MD) No.6394 of 2024
in
CRL RC(MD) No.623 of 2024
Date :10/12/2024

ED/ /SAR- (10/12/2024) 6P / 8C

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