



CRL.M.P.(MD)No.6547 of 2024

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

Monday, the First day of July Two Thousand and Twenty Four

PRESENT

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

CRL.M.P.(MD)No.6547 of 2024
in
CRL.R.C.(MD)No.643 of 2024

VELUSAMY

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION
KULITHALAI
KARUR DISTRICT.
CR NO.468/2020.

... 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 imposed on the petitioner in CC NO.10/2021 on the file of Learned Judicial Magistrate No.II, Kulithalai, Karur District dt.16.09.2022 confirmed by the learned Prl District Court at karur in CA No.114/2022 dt.05.04.2024, pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 643/ 2024 :

To call for the records pertaining to the order passed by the learned Principal District Court at Karur in C.A No.114/2022 dt.05.04.2024 by conviction and sentence passed by the learned Judicial Magistrate No.II Kulithalai, Karur District in C.CNo.10 of 2021 dated 16.09.2022 and set aside the same.



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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 MR.V. KARUNA, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner in C.C.No.10 of 2021 on the file of the learned Judicial Magistrate No.II, Kulithalai, Karur District dated 16.09.2022 confirmed by the learned Principal District Court at Karur in C.A.No.114 of 2022 dated 05.04.2024, pending disposal of the main Criminal Revision Petition.

2. The case of the prosecution is that the case of the prosecution is that there is exist previous motive between the Defacto Complainant and the petitioner in respect of the stealing of Savukku Sticks. Due to that motive, on 22.05.2020 at about 09.00 a..m., when the husband of the Defacto Complainant went to his agricultural field for cutting bananas, the petitioner came there and scolded the said Defacto Complainant with filthy languages and also tried to assault him with machete. Thereafter, the Defacto Complainant went to his home. Again at about 14.00 Hrs., when the Defacto Complainant and her husband were at their home, the petitioner came there and scolded the Defacto Complainant with filthy languages and punched in the cheeks of



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the Defacto Complainant and due to that, front teeth of the Defacto Complainant fell down. Further the petitioner threatened the Defacto Complainant and her husband with dire consequences and thereafter a complaint was lodged as against the petitioner.

3. On the basis of the complaint given by P.W.1, FIR came to be registered in Crime No.468 of 2020 for the offences under Sections 294(b), 325 & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 294(b), 325 & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and the same was taken on file in C.C.No.10 of 2021 on the file of the learned Judicial Magistrate No.II, Kulithalai, Karur.

4.During trial, the prosecution has examined 8 witnesses as P.W.1 to P.W.8 and exhibited 7 documents as Ex.P.1 to Ex.P.7. However, neither a witness was examined nor a document was exhibited on the side of the accused.

5.The learned Trial Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, convicted the petitioner/accused for the



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offence under Section 325 of IPC and sentenced him to undergo 1 year Simple Imprisonment and ordered to pay a sum of Rs.3,000/- fine in default to undergo one month Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal in C.A.No.114 of 2022, before the learned Principal District Court, Karur. The learned appellate Judge confirmed the said conviction imposed by the learned Judicial Magistrate No.II, Kulithalai, Karur, in C.C.No.10 of 2021, dated 16.09.2022. Aggrieved over the same, the petitioner filed the present Criminal Revision Case along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel for the petitioner would submit that the petitioner has threatened the defacto complainant and her husband with dire consequences. Hence, he seeks for the suspension of sentence.

7.The learned Government Advocate (Crl.side) appearing for the respondent would contend that the trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal.



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8. This Court has carefully considered the submission of learned counsel for the petitioner and also perused the materials available on record.

9. Considering the fact that according to the prosecution, it is alleged that the petitioner has stolen the articles of the complainant, and there was scuffle, in the result, there is injury caused by the petitioner. Hence this Court inclines to grant the relief of suspension of sentence to the petitioner 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 Judicial Magistrate No.II, Kulithalai, Karur District;

(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 concerned Court once in a



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month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
01/07/2024

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02/07/2024
Sub-Assistant Registrar (W)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR

TO

1.THE PRINCIPAL DISTRICT JUDGE, KARUR

2.THE JUDICIAL MAGISTRATE NO.II, KULITHALAI, KARUR DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.

4.THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION
KULITHALAI, KARUR DISTRICT.

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

ORDER
IN
CRL.M.P.(MD)No.6547 of 2024
in
CRL.R.C.(MD)No.643 of 2024
Date :01/07/2024



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WIR (02/07/2024) 7P / 6C

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