



CRL MP(MD) No.8546 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P.(MD)Nos.8546, 15436 and 15438 of 2023

in

CRL.R.C.(MD)Nos.865 and 1010 of 2022

SUDALAI

**... PETITIONER/PETITIONER
IN CRL MP(MD)NO. 8546 of 2023**

KARUPPIAH

**...PETITIONER/PETITIONER
IN CRL MP(MD)No.15438 of 2023**

SEYAD AKBAR

**...PETITIONER/PETITIONER
IN CRL MP(MD)No. 15436 of 2023**

Vs

**THE INSPECTOR OF POLICE
CBCID(COUNTERFEIT CURRENCY WING),
MADURAI.
CR.NO.01/2009**

**... RESPONDENT/RESPONDENT
IN ALL PETITIONS**

Prayer in CRL MP(MD)No. 8546/ 2023 in CRL RC(MD)No.. 865/ 2022 :

**To Suspend the sentence imposed by the Court of Additional District and Sessions
Judge Virudhunagar in Cr.A.No.22/2016 on 28.07.2022 in confirming the conviction
and sentence imposed by the Assistant Sessions Court Virudhunagar in**

<https://www.mhc.tn.gov.in/judis>



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S.C.No.152/2012 on 23.02.2016 and release the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL MP(MD)No. 15438/ 2023 in CRL RC(MD)No.. 865/ 2022 :

To Suspend the Sentence imposed by the Court of Additional District and Sessions Judge Virudhunagar in CrI.A.No.22/2016 on 28.07.2022 in confirming the conviction and sentenced imposed by the Assistant Sessions Court Virudhunagar in SC No.152/2012 on 23.02.2016 and release the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD)No.. 865/ 2022 :

To call for the records and set aside the conviction and sentence imposed by the Court of Additional District and Sessions Judge, Virudhunagar in CrI.A.No. 22/2016 on 28.07.2022 in confirming the conviction and sentence imposed by the Assistant Sessions Court, Virudhunagar in S.C.No. 152/2012 on 23.02.2016 and allow this Criminal Revision.

Prayer in CRL MP(MD)No. 15436/ 2023 :

To Suspend the sentence imposed by the court of Additional District and Sessions Judge Virudhunagar in CrI.A.No.62/2017 on 28.07.2022 in confirming the conviction and sentenced imposed by the Assistant Sessions Court Virudhunagar in SC No.152/2012 on 23.02.2016 and release the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD). 1010/ 2022 :

To call for the records and set aside the conviction and sentence imposed by the

<https://www.mhc.tn.gov.in/judis>



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Court of Additional District and Sessions Judge, Virudhunagar in Crl.A.No.62/2017 on 28/7/2022 in confirming the conviction and sentence imposed by the Assistant Sessions Court, Virudhunagar in S.C.No. 152/2012 on 23.02.2016 and allow this Criminal Revision.

Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.JOTHI BASU M, Advocate for the petitioner in all petitions and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent in all petitions, the court made the following order:-

Reserved on : 4.12.2023

Pronounced on : 09.01.2024

The petitions in Crl.M.P.(MD)Nos.15438 and 8546 of 2023 have been filed to suspend the sentence imposed on the petitioners/accused Nos.5 and 6 by the learned Assistant Sessions Judge, Virudhunagar, in S.C.No.152 of 2012, dated 23.02.2016, which was confirmed by the learned Additional District and Sessions Judge, Virudhunagar, in Crl.A.No.22 of 2016, dated 28.07.2022.

2. The petition in Crl.M.P.(MD)No.15436 of 2023 has been filed to suspend the sentence imposed on the petitioner/third accused by the learned Assistant Sessions Judge, Virudhunagar, in S.C.No.152 of 2012, dated 23.02.2016, which was confirmed by the learned Additional District and Sessions Judge, Virudhunagar, in C.A.No.62 of 2017, dated 28.07.2022.



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3. Admittedly, the petitioner in Crl.M.P.(MD)No.15438 of 2023 is the fifth accused, the petitioner in Crl.M.P.(MD)No. 8546 of 2023 is the sixth accused and the petitioner in Crl.M.P.(MD)No.15436 of 2023 is the third accused.

4. The case of the prosecution is that the Sub Inspector of Police, CBCID, Counterfeit Currency Wing, Madurai, on receipt of secret information, went to Virudhunagar along with his police party and informer, that at about 11.00 a.m., in Meenambigai Bangalow Bus Stop, the Sub Inspector arrested the accused 1 and 2 and on interrogation, both of them have given confession statements and that the police recovered counterfeit currency note to the tune of Rs.53,500/- each from the accused 1 and 2 and on that basis, FIR came to be registered in Crime No.1 of 2009.

5. It is the further case of the prosecution that during the investigation, the first accused identified the third accused and from him Rs.53,500/- fake currency was recovered and on interrogation, the third accused has given a voluntary confession statement informing that he got the fake currency from the fourth accused and on that basis, fourth accused was arrested and on interrogation, he has given a confession statement informing that he got the fake currency from the fifth accused and fake currency was recovered from the said accused also, that on 19.02.2009, the Inspector of Police arrested the accused Nos.5 and 6 and on interrogation, the fifth accused has given a confession statement, that the police recovered fake currency



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from the accused Nos.5 and 6, that on the information given by the fifth accused, the police party went to Thiruvananthapuram and on that way in front of Kaliyakavilai Bus Stand, the accused Nos.7 to 9 were arrested and fake currencies were recovered from them and that all the three accused have given confession statements and on that basis, the police party went to the house of Jelastin Lopas and recovered computers, printer, paper printing machine and other articles. After completing the investigation, charge sheet was filed for the offences under Sections 120-B and 489-A, B, C, D of IPC.

6. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11, exhibited 36 documents as Ex.P.1 to Ex.P.36 and marked 30 material objects as M.O.1 to M.O.30. On the side of the accused, no witness was examined and no document was exhibited.

7. The learned Assistant Sessions Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the judgment dated 23.02.2016 convicting the petitioners/accused Nos.5, 6 and 3 and sentenced them as follows:



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Accused	Offence	Sentence
A3-Seyad Akbar A5-Karuppiah A6-Sudalai	under Section 120(B) IPC	to undergo simple imprisonment for 1 year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 3 months
	under Section 489(B) IPC	to undergo simple imprisonment for 7 years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for 1 year
	under Section 489(C) IPC	to undergo simple imprisonment for 7 years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for 1 year

8. Aggrieved by the said judgment of conviction and sentence, the three accused have preferred the appeals in C.A.Nos.22 of 2016 and 62 of 2017 and the learned Additional District Judge, Virudhunagar, upon considering the evidence and on hearing the arguments on both the sides, has passed the common judgment in respect of the criminal appeals filed by the petitioners and the other accused on 28.07.2022, dismissing the appeals and thereby confirming the judgment of conviction passed by the trial Court. Challenging the dismissal of the appeals, the petitioners have come forward with the present criminal revisions along with the above applications for suspension of sentence.

9. The learned counsel appearing for the petitioners would submit that this is

the second application and the earlier applications filed by the petitioners were



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dismissed on 25.04.2023. He would further submit that the petitioners have surrendered voluntarily on 27.10.2022, that they are not having any other previous cases and that the petitioners may be granted the relief of suspension of sentence.

10. The learned Additional Public Prosecutor appearing for the respondent would submit that after dismissal of the appeals on 28.07.2022, the petitioners remained absconding, that thereafter, they have surrendered on 27.10.2022, that the judgment of conviction passed by the trial Court has been rightly confirmed by the appellate Court. He would further submit that the petitioners earlier application was dismissed by this Court on 25.04.2023 on the ground of gravity of offence committed by the petitioners. There is no change in circumstances and without any valid ground, the present petition has been filed by the petitioners. Hence, he strongly opposed to grant suspension of sentence.

11. The petitioners' earlier applications for similar relief were ordered to be dismissed on the ground of gravity of offence committed by the petitioners. Now, these petitions have been filed by the petitioners without referring the change of circumstances to consider the case.



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12. Since there is no change of circumstance and also considering the gravity of offence and the manner in which the offence was committed by the petitioner, this Court does not find any new ground to suspend the sentence imposed on the petitioner.

13. In the result, these Criminal Miscellaneous Petitions are dismissed.

sd/-
09/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

- 1 THE ADDITIONAL DISRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR.
- 2 THE ASSISTANT SESSIONS JUDGE
VIRUDHUNAGAR.
- 3 THE INSPECTOR OF POLICE
CBCID(COUNTERFEIT CURRENCY WING), MADURAI.



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- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P.(MD)Nos.8546, 15436 and 15438 of 2023
in
CRL.R.C.(MD)Nos.865 and 1010 of 2022
Date :09/01/2024

PKP/JGB/SAR- /11.01.2024/ 9P/ 6C

Madurai Bench of Madras High Court is issuing certified
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