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CRL.R.C.(MD).No.729 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD)No.729 of 2024

Gurudeva

: Petitioner/Petitioner

Vs.

State rep.by
the Sub-Inspector of Police,
Karur Town Police Station,
Karur. Crime No.1285 of 2020.

: Respondent/ Respondent

PRAYER: Criminal Revision Petition has been filed under Section 438 and 442 Bharatiya Nagarik Suraksha Sanhita 2023, to call for the records and set aside the order, dated 09.11.2023 made in Crl.M.P.No.1853 of 2023 in C.A.No.202 of 2023 on the file of the Principal District and Sessions Court, Karur, against the order in C.C.No.19 of 2022 on the file of the Judicial Magistrate No.I, Karur.

For Petitioner : Mr.S.Gokul Raj

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

The Criminal Revision Case is directed against order passed in Crl.M.P.No.1853 of 2023 in C.A.No.202 of 2023, dated 09.11.2023 on the



file of the Principal District and Sessions Court, Karur, dismissing the petition filed under Section 389(1) of Cr.P.C.

2. It is evident from the records that the petitioner has been convicted for the offence under Sections 379 of IPC and sentenced by the trial Court to undergo three years rigorous imprisonment and also sentenced to pay a fine of Rs.5,000/- vide judgement passed in C.C.No.19 of 2021, dated 28.08.2023. The petitioner has preferred an appeal in C.A.No.202 of 2023 and also filed an application seeking suspension of sentence in CrI.M.P.No.1853 of 2023. The learned Principal District and Sessions Judge, taking note of the fact that the petitioner is the habitual offence and he has already involved in 28 previous and the pendency of the cases against him, dismissed the petition. Challenging the dismissal, the present representation came to be filed.

3. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner was convicted in 17 cases and three cases are pending for trial.

4. Considering the above facts and circumstances of the case, this Court is not inclined to suspend the sentence at this point of time. Since the



CRL.R.C.(MD).No.729 of 202

appeal is pending from 2023 and the petitioner is undergoing imprisonment in the above cases. The learned Principal District and Sessions Judge has to be directed to dispose of the appeal within stipulated time.

5.In the result, the Criminal Revision Case is dismissed. The learned Principal District and Sessions Court, Karur, is directed to hear the appeal and dispose of the same within a period of two months from the date of receipt of copy of this order.

20.08.2024

NCC : yes/No

Index : yes/No

Internet : yes/No
das

To

- 1.The Principal District and Sessions Court,
Karur.
- 2.The Sub-Inspector of Police,
Karur Town Police Station, Karur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.R.C.(MD).No.729 of 202

K.MURALI SHANKAR, J.

DAS

CRL.R.C.(MD)No.729 of 2024

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