



CRL MP(MD) No.7266 of 2024

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

Tuesday, the Twenty Third day of July Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
CRL MP(MD) No.7266 of 2024
in
CRL RC(MD) No.699 of 2024

N.KANNAN

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.297/2017

... 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 passed in Crl.A.No.13/2024 dated 19.06.2024 on the file of the 3rd Additional District and Sessions Court, Tirunelveli confirming the judgment passed in CC.No.152/2017 dated 19.09.2023 on the file of the Judicial Magistrate Court No.4, Tirunelveli, sentencing the petitioner to undergo simple imprisonment for 6 months and to pay fine of Rs.1000/- and in default to undergo simple imprisonment for one week and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 699/ 2024 :

To call for the records relating to the impugned judgment passed in Crl.A.No.13/2024 dated 19.06.2024 on the file of the 3rd Additional District and Sessions Court, Tirunelveli confirming the judgment passed in CC.No.152/2017 dated 19.09.2023 on the file of the Judicial Magistrate Court No.4, Tirunelveli and set aside the same as illegal.

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.T.PRADEEP, Advocate for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

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



CRL MP(MD) No.7266 of 2024

WEB COPY

This petition has been filed to suspend the sentence passed in Crl.A.No.13 of 2024 dated 19.06.2024 on the file of the 3rd Additional District and Sessions Court, Tirunelveli confirming the judgment passed in C.C.No.152 of 2017 dated 19.09.2023 on the file of the Judicial Magistrate Court No.4, Tirunelveli sentencing the petitioner to under to simple imprisonment for 6 months and to pay fine of Rs.1,000/- and in default to undergo simple imprisonment for one week and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.

2. The case of the prosecution is that on 25.04.2017 at about 11.00 a.m. the petitioner and his two sons have attacked the defacto complainant and with a stick and threatened him, when he was going near Santhivinayagar temple. On 26.04.2017, he was taken to the hospital after bleeding from his ear. Thereafter, a complaint was lodged before the respondent police.

3. On the basis of the complaint lodged by P.W.1, a case came to be registered in Crime No.297 of 2017 for the offences under Section 294(b), 323, 506(i) of IPC.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Section 294(b), 323, 506(i) of IPC. The same was taken on file in C.C.No.152 of 2017, on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

5. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10



CRL MP(MD) No.7266 of 2024

and exhibited 8 documents as Ex.P.1 to Ex.P.8 and marked no Material Objects.

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However, neither a witness was examined nor a document was exhibited on the side of the accused.

6. The learned Judicial Magistrate No.IV, Tirunelveli, after full-fledged trial, has passed the judgment in C.C.No.152 of 2017, dated 19.09.2023 and convicted the petitioners/accused for the offence under Section 325 of IPC and sentenced them to undergo 6 years Simple Imprisonment and to pay a fine of Rs.1,000/- each, in default, to undergo 1 weeks Simple Imprisonment. Challenging the above said conviction and sentence, the petitioners preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Tirunelveli in C.A.No.13 of 2024. However, the same was dismissed on 19.06.2024, thereby confirming the punishment imposed on the petitioners. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal Appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

7. The learned counsel for the petitioner would submit that the petitioner is surrendered and he is in custody from 03.07.2024 and he also undertakes to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the victim. Hence, he seeks suspension of sentence.

8. The learned Additional Public Prosecutor appearing for the respondent



CRL MP(MD) No.7266 of 2024

would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

9. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

10. The petitioner is said to have committed the offence under Section 294(b), 325, 506(i) of IPC. Further, the learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. So this Court prima facie satisfied 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 period of incarceration from 03.07.2024, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted 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.4, Tirunelveli and also the petitioner shall pay a sum of Rs.10,000/- to the victim.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the



CRL MP(MD) No.7266 of 2024

surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass

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Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

23/07/2024

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24/07/2024

Sub-Assistant Registrar (C.S.3)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

4 THE INSPECTOR OF POLICE, TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.T.PRADEEP, Advocate (SR-8361[I] dated 23/07/2024)



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CRL MP(MD) No.7266 of 2024

ORDER

IN

CRL MP(MD) No.7266 of 2024

in

CRL RC(MD) No.699 of 2024

Date :23/07/2024

RS//SAR-(24.07.2024) 6P 8C

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