



CRL MP(MD) No.7421 of 2024

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

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

PRESENT

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

CRL MP(MD) No.7421 of 2024

in

CRL A(MD) No.621 of 2024

SANANDHA GANESH

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.84 OF 2016.)

... Respondent / Complainant

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/ Appellant in S.C.No.165 of 2018 on the file of the Learned Assistant Sessions Court/Chief Judicial Magistrate Court, Ramanathapuram Dated 04.07.2024 pending disposal of the above Appeal.

Prayer in CRL A(MD) No.621of 2024:

To call for the records in S.C.No.165of2018 on the file of the learned Assistant Sessions Court / Chief Judicial Magistrate Court, Ramanathapuram and set aside the order of conviction and sentence dated 04.07.2024.

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 Mr.S.SRIKANTH, Advocate for M/S.APN LAW ASSOCIATES, Advocate for the petitioner and of Mr.B.THANGA ARAVINDH, Government Advocate (Crl. side) on



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behalf of the Respondent, while admitting the criming appeal, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the following sentence of imprisonment imposed against him in S.C.No.165 of 2018 on the file of the learned Assistant Sessions Court/Chief Judicial Magistrate Court, Ramanathapuram, by the judgment dated 04.07.2024, impugned in the above appeal in Crl.A.(MD). No.621 of 2024:

Sl.No.	Offence under Section	Sentence of imprisonment	Fine	Default sentence
1	294(b) of IPC	one month of simple imprisonment	Rs.500/-	15 days of simple imprisonment
2.	341 of IPC	one month of simple imprisonment	Rs.500/-	15 days of simple imprisonment
3.	326 of IPC	Two years of rigorous imprisonment	Rs.1,000/-	Three months of simple imprisonment

2. The case of the prosecution is that due to property dispute between the parties, on 08.06.2016, the petitioner along with the other accused abused and attacked the opposite party and also caused injuries to them. Therefore, complainant has given a compliant to the respondent police and the respondent Police registered a case in Crime No.84 of 2016 for the offences under Sections 120(B), 294(b), 341, 326



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and 307 of IPC. After investigation, the final report was filed and the final report was taken on file by the learned Assistant Sessions Court/Chief Judicial Magistrate Court, Ramanathapuram, in S.C.No.165 of 2018. The learned trial Judge, after completed all the legal formalities conducted the trial.

3. During the trial, the prosecution has examined 9 witnesses as P.W.1 to P.W.9 and exhibited 10 documents as Ex.P.1 to Ex.P.10. On the side of the accused, no one witness was examined and one document was marked as Ex.D1.

4. The learned trial Judge, after considering the evidence, documents and material objects, convicted the petitioner/appellant and sentenced to undergo one month simple imprisonment and to pay a sum of Rs.500/- as fine, in default to undergo 15 days simple imprisonment for the offence under Section 294(b), sentenced to undergo one month simple imprisonment and to pay a sum of Rs.500/- as fine, in default to undergo 15 days simple imprisonment for the offence under Section 341 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a sum of Rs.1,000/- as fine, in default to undergo 3 months simple imprisonment for the offence under Section 326 of IPC. Challenging the same, the petitioner filed the above appeal along with the suspension of sentence.

5. The learned counsel for the petitioner submitted that the learned trial Judge has suspended the sentence against the petitioner, till 03.08.2024.



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6. Heard, the learned Government Advocate (Crl. Side) appearing for the respondent police.

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

8. Considering the facts and the circumstances of this case and also considering the age of the petitioner and also the fact that the trial Court has suspended the sentence against the petitioner, till 03.08.2024 and also there are arguable points in the above appeal and hence, this Court inclines to suspend the sentence of the imprisonment with 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 Assistant Sessions Court/Chief Judicial Magistrate Court, Ramanathapuram;

(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



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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/-
29/07/2024

/ TRUE COPY /

02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Assistant Sessions Judge / Chief Judicial Magistrate,
Ramanathapuram.

2.The Inspector of Police,
Rameswaram Town Police Station,
Ramanthapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-9083[I] dated 31/07/2024)



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ORDER
IN
CRL MP(MD) No.7421 of 2024
in
CRL A(MD) No.621 of 2024
Date :29/07/2024

ED/ /SAR- (02/08/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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