



CRL MP(MD) No.8289 of 2024

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

Friday, the Sixth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8289 of 2024

in

CRL RC(MD)No.776 of 2024

KUMARAVEL

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
KALAIYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.532/2018.

... 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 of imprisonment imposed in C.A.No.24 of 2022 modifying the judgment dated 12.06.2024 passed by the Principal Sessions Judge, Sivagangai and in S.C.NO.24 of 2020 judgment dated 14.06.2022 passed by the Chief Judicial Magistrate Court, Sivagangai and enlarge the petitioner/Revision Petitioner on bail pending disposal of the above said Criminal Appeal.

Prayer in CRL RC(MD). 776/ 2024 :

To call for the records in C.A.No.24 of 2022 modifying the judgment dated 12.06.2024 passed by the Principal Sessions Judge, Sivagangai and in S.C.No.24 of 2020 judgment dated 14.06.2022 passed by the Chief Judicial Magistrate Court, Sivagangai and to set aside the judgment and conviction on the revision petitioner/sole accused.



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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.S.PUGALENDHI, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the Respondent while admitting the the court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Chief Judicial Magistrate, Sivagangai, in S.C.No.24 of 2020, dated 14.06.2022, which was modified by the learned Principal Sessions Judge, Sivagangai in C.A.No.24 of 2022, dated 12.06.2024.

2.The case of the prosecution is that the accused usually in inebriated condition quarrelled with his wife and caused nuisance to one Ammaponnu and she lodged a compliant, that the informant went to the house of the said Ammaponnu to enquire about the complaint, and at that time, the accused abused him in filthy language, restrained him from doing his duty and also attacked him with iron rod and hence, a case was registered in Cr.No.532 of 2018.

3.The respondent, after completing the investigation, has filed the final report for the offences under Sections294(b), 332 and 307 IPC and the case was taken on file in S.C.No.24 of 2020 and the same was pending on the file of the learned Chief Judicial Magistrate, Sivagangai.



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4.The learned counsel appearing for the petitioner would submit that the trial Court has convicted the petitioner for the offence under Section 332 IPC and sentenced him to undergo 3 years simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month imprisonment.

5.Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.24 of 2022 on the file of the learned Principal Sessions Judge, Sivagangai. The learned Sessions Judge has modified the sentence imposed on the petitioner from three years to six months simple imprisonment and has confirmed the fine amount imposed by the trial Court and partly-allowed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present criminal revision along with the above application for suspension of sentence.

6.The learned counsel appearing for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.



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7.The learned Government Advocate(Crl.side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

8.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9.The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence and bail 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 Chief Judicial Magistrate, Sivagangai;



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(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 trial Court once in a week ie., on every Monday at 10.30 am., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
06/09/2024

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11/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE PRINCIPAL SESSIONS JUDGE
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.



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3 THE INSPECTOR OF POLICE
KALAIYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL MP(MD) No.8289 of 2024
in
CRL RC(MD)No.776 of 2024
Date :06/09/2024

SS/SAR- /11/09/2024/6P/6C

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