



CRL MP(MD) No.9268 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9268 of 2024

IN

CRL RC(MD) No.843 of 2024

M.SHANTHA KUMARI ... PETITIONER/REVISION PETITIONER/ ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKOTTAI.

... RESPONDENT/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 of imprisonment awarded against the Revision petitioner / accused by the judgement order dt. 06.06.2024 in Crl.A.85/2023 on the file of the Learned Additional District and Sessions Judge, Pudukottai confirmed the Judgment in C.C.No.39 of 2022 dated 01.07.2023 on the file of the learned Judicial Magistrate No.II, Pudukkottai pending disposal of the above Crimininal Revision Petition on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 843/ 2024 :

To call for the records relating to the judgment passed in C.C.No. 39/2022 on 01.07.2023 on the file of the Learned Judicial Magistrate -II, Pudukottai confirmed in Crl.A.No. 85/2023 dt 06.06.2024 by the Learned Additional District Sessions Judge, Pudukottai and set aside the same and thereby acquit accused by allowing this Criminal Revision Petition.



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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.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the Respondent, the Court made the following order:-

RESERVED ON	22.10.2024
PRONOUNCED ON	29.10.2024

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.II, Pudukottai in C.C.No.39 of 2022 dated 01.07.2023, which was confirmed by the learned Additional District and Sessions Judge, Pudukottai in Crl.A.No.85 of 2023 dated 06.06.2024.

2.The case of the prosecution is that a land in S.No.102/4 situated at Ambukovil Village, Karampakudi Taluk, Pudukottai District belonged to one Sanmugam Pillai, that after his demise, his legal heirs are in possession of the same and the petitioner herein is one of the legal heirs, that she insisted the defacto complainant to buy the land to an extent of 1.40 acres for a sale consideration of Rs.26,60,000/- and executed an agreement, that the petitioner received a sum of Rs.12,00,000/- on 09.04.2021 and a sum of Rs.6,00,000/- on 29.04.2019 and thereafter, the petitioner failed to register the property in favour of the defacto complainant



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and also refused to return the money and hence, the defacto complainant lodged a complaint.

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3.After completing the investigation, charge sheet came to be filed for the offence under Sections 417 and 420 IPC.

4.During trial, the prosecution has examined 6 witnesses as P.W.1 to P.W.6 and exhibited 10 documents as Ex.P.1 to Ex.P.6. The defence has adduced neither oral nor documentary evidence.

5.The learned Judicial Magistrate, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the judgment dated 01.07.2023 convicting the petitioner for the offence under Section 417 IPC and sentenced her to undergo one year simple imprisonment and to pay a fine of Rs.10,000/-.

6.Aggrieved by the said judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.85 of 2023 and the learned Additional District and Sessions Judge, Pudukottai, upon considering the evidence and on hearing the



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arguments on both the sides, has passed the judgment on 06.06.2024, dismissing the appeal and thereby confirming the judgment of conviction passed by the trial Court. Challenging the dismissal of the appeal, the petitioner has come forward with the present criminal revision along with the above application for suspension of sentence.

7.The learned counsel appearing for the petitioner would further 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.

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

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



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10.The learned counsel appearing for the petitioner 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 taking note of the age of the petitioner, ie, 70 years, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

11.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 Judicial Magistrate No.II, Pudukottai;

(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



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(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

sd/-
29/10/2024

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/11/2024

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKKOTTAI.



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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-12933[I] dated
22/10/2024)

ORDER
IN
CRL MP(MD) No.9268 of 2024
IN
CRL RC(MD) No.843 of 2024
Date :29/10/2024

SS/SKN/SAR- /18/11/2024/ 7P/7C

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