



CRL MP(MD) No.9552 of 2024

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

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9552 of 2024
in
CRL RC(MD) No.794 of 2024

1 SEENI SELVARAJ

2 S. LAKSHMANA KUMAR

... Petitioner / Petitioners

Vs

THE INSPECTOR OF POLICE
THATTAPARAI POLICE STATION,
THOOTHUKUDI.
(CRIME NO. 112/2021.)

... 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 enlarge the petitioners on bail by suspending the sentence imposed by the II Additional District and Sessions Judge, Thoothukudi in Crl.A.No. 126 of 2022 by judgment dated 25.06.2024 by confirming the sentence passed by the Judicial Magistrate No.1, Thoothukudi in CC No.634 of 2022 dated 08.12.2022, pending the disposal of the main criminal revision petition on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 794/ 2024 :

To call for the records in the judgment of the II Additional District and Sessions Judge, Thoothukudi made in CA No.126/2022 by judgment dt 25.06.2024 by confirming the conviction and sentence passed by the JM No.1, Thoothukudi in CC No. 634/2022 by judgment dated 08.12.2022 and set aside the same by allowing this



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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 M/s.RAMASAMY S, Advocate for the petitioners and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-

RESERVED ON	14.10.2024
PRONOUNCED ON	28.10.2024

The above petition has been filed seeking orders to suspend the sentence imposed on the petitioners/accused 1 and 2 by the learned Judicial Magistrate No.1, Thoothukudi, in C.C.No.634 of 2022, dated 08.12.2022, which was confirmed by the learned II Additional District and Sessions Judge, Thoothukudi, in C.A.No.126 of 2022, dated 25.06.2024.

2. The case of the prosecution is that the petitioners, by producing fabricated and forged order copy of the Madurai Bench of Madras High Court, had got patta in their name and on that basis, FIR came to be registered in Crime No.112 of 2021 against the petitioners.

3. After completing the investigation, charge sheet came to be filed for the offences under Sections 120B, 465, 466, 467, 468, 471 and 420 IPC and Section 65 of Information Technology Act and the case was taken on file in C.C.No.634 of 2022



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and the same was pending on the file of the Judicial Magistrate No.1, Thoothukudi.

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4. During trial, the prosecution has examined 17 witnesses as P.W.1 to P.W.17 and exhibited 56 documents as Ex.P.1 to Ex.P.56. The defence has examined 1 witness as D.W.1 and exhibited 20 documents as Ex.D.1 to Ex.D.20. 4 documents have been exhibited as Court documents as Ex.X.1 to Ex.X.4.

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 08.12.2022 finding the petitioners guilty for the offences under Sections 465, 468, 471 and 120B IPC and sentenced them to undergo simple imprisonment for 2 years for the offence under Section 465 IPC, to undergo simple imprisonment for 2 years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 1 month for the offence under Section 468 IPC, to undergo simple imprisonment for 1 year for the offence under Section 471 IPC and to undergo simple imprisonment for 1 year for the offence under Section 120B IPC and that the above sentences were ordered to be run consecutively.

6. Aggrieved by the said judgment of conviction and sentence, the petitioners have preferred an appeal in C.A.No.126 of 2022 and the learned II Additional District and Sessions Judge, Thoothukudi, upon considering the evidence and on hearing the arguments on both the sides, has passed the judgment on 25.06.2024,



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dismissing the appeal and thereby confirming the judgment of conviction passed by the trial Court. Challenging the dismissal of the appeal, the petitioners have come forward with the present criminal revision along with the above application for suspension of sentence.

7. The learned counsel appearing for the petitioners would submit that the petitioners are in judicial custody for more than two years and that the petitioners may be granted the relief of suspension of sentence.

8. The learned counsel appearing for the petitioners 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 petitioners have already paid the fine amount.

9. The learned Government Advocate (Criminal 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.

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

11. The learned counsel appearing for the petitioners pointed out that certain



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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, this Court is of the considered view that the petitioners herein is entitled to the relief of grant of suspension of sentence.

12. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Thoothukudi;

(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 petitioners 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 they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial



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Court on any other day in lieu of the date of their absence, as directed
by the trial Court.

sd/-
28/10/2024

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30/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The II Additional District and Sessions Judge,
Thoothukudi.

2.The Judicial Magistrate No.I,
Thoothukudi.

3.Do through the Chief Judicial Magistrate,
Thoothukudi District.

4.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi.

5.The Superintendent,
Central Prison, Palayamkottai.

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-13319[I] dated 29/10/2024)



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ORDER

IN

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in

CRL RC(MD) No.794 of 2024

Date :28/10/2024

ED/ /SAR- (30/10/2024) 7P / 8C

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