



CRL MP(MD) No.9479 of 2024

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

Tuesday, the Tenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9479 of 2024

in

CRL RC(MD) No.860 of 2024

CHELLIAH @ MARIA CHELLIAH

... Petitioner / Revision Petitioner

Vs

THE SUB INSPECTOR OF POLICE,
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.315 OF 2014.)

... 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 in Judgment passed in C.A.No.201 of 2023 dated 13.08.2024 on the file of the III Additional District and Sessions Judge, Tirunelveli in C.C.No.248 of 2017 Judgement dated 20.11.2023 on the of the Learned Judicial Magistrate, Ambasamudram and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 860/ 2024 :

To call for the records pertaining to the judgment dated 13.08.2024 made in Crl.A.No.201 of 2023 on the file of III Additional District and Sessions Judge, Tirunelveli partly allowed the Judgment dated 20.11.2023 in C.C.No.248 of 2017 on the file of learned Judicial Magistrate, Ambasamudram, set aside the same and allow the Criminal revision.



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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.THIRUPATHY.S, Advocate for the petitioner and of Mr.K.SANJAI GNDHI, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioner/first accused by the learned Judicial Magistrate, Ambasamudram, in C.C.No.248 of 2017, dated 20.11.2023, which was modified by the learned III Additional District Sessions Judge, Tirunelveli in C.A.No.201 of 2023, dated 13.08.2024.

2. The case of the prosecution is that the accused and the defacto complainant are brothers, that there existed property dispute between them and that on 23.12.2014 at about 02.30 p.m., the petitioner along with the second accused had abused the defacto complainant in filthy language and attacked him and also caused injuries. Hence, the defacto complainant lodged a complaint before the respondent police and on that basis, FIR came to be registered in Crime No.315 of 2014.

3. The respondent, after completing the investigation, has filed the final report for the offences under Sections 294(b), 323, 324 and 506(2) IPC and the case was taken on file in C.C.No.248 of 2017 and the same was pending on the file of the Judicial Magistrate, Ambasamudram.

4. The learned counsel appearing for the petitioner would submit that the trial



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Court has convicted the petitioner for the offence under Section 324 IPC and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 15 days simple imprisonment.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.201 of 2023 on the file of the III Additional District Sessions Court, Tirunelveli. The learned Sessions Judge, while partly allowing the appeal, has modified the sentence imposed on the petitioner for the offence under Section 324 IPC from one year simple imprisonment to six months simple imprisonment and confirmed the fine amount. 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 petitioner would submit that the petitioner is not having any previous cases and that the petitioner is the brother of the defacto complainant. He 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.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and that the petitioner has not paid the fine amount and



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hence, he strongly opposed to grant suspension of sentence.

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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 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 medical condition of the petitioner, 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 Judicial Magistrate, Ambasamudram;

(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 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/-
10/09/2024

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27/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The III Additional District and Sessions Judge,
Tirunelveli.

2.The Judicial Magistrate,
Ambasamudram.

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



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4.The Sub Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.

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

+1 CC to M/s.S.THIRUPATHY, Advocate (SR-11165[I] dated 11/09/2024)

ORDER
IN
CRL MP(MD) No.9479 of 2024
in
CRL RC(MD) No.860 of 2024
Date :10/09/2024

ED/ /SAR- (27/09/2024) 6P / 7C

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