



CRL MP(MD) No.9837 of 2024

WEB COPY

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

Tuesday, the Twelfth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL.M.P.(MD)No.9837 of 2024
in
CRL.A.(MD)No.875 of 2023

DHILIP KUMAR

... PETITIONER/PETITIONER/
APPELLANT/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE,
AARALVAIMOZHI POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.155 OF 2015.

... RESPONDENT/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 imposed by the Judgment dated 14.07.2023 made in S.C.No. 278 of 2017 on the file of the Additional District Session Court (Fast Track Court), Kanniyakumari, Nagercoil pending disposal of the above Criminal Appeal.

Prayer in CRL.A.(MD)No.875 of 2023:

Pleased to call for the records relating to the Judgment dated 14.07.2023 made in SC No.278 of 2017 on the file of Additional District Session Court (Fast Track Court),

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) No.9837 of 2024

Kanniyakumari and set aside the conviction and sentence imposed against the Appellant and allow above appeal by acquitting the Appellant.

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.AJMAL KHAN, Senior Counsel for Mr.K.ALTHAF SHERIFF, Advocate for M/S.AJMAL ASSOCIATES, for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner had earlier filed Crl.M.P.(MD)No.13574 of 2023 for suspension of sentence. It was dismissed as withdrawn. We note that P.W.2 who is an injured witness has directly implicated the petitioner herein. The learned senior counsel would argue that the testimony of P.W.2 is liable to be rejected. But then, appreciation of evidence of P.W.2 cannot be undertaken at this stage. The points urged by the learned senior counsel have to be canvassed only in the main appeal.

3. This Criminal Miscellaneous Petition is dismissed.

sd/-
12/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.9837 of 2024

RMI

TO

WEB COPY

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
KANNIYAKUMARI, NAGERCOIL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
AARALVAIMOZHI POLICE STATION,
NAGERCOIL,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-13914[I] dated
13/11/2024)

ORDER
IN
CRL.M.P.(MD)No.9837 of 2024
in
CRL.A.(MD)No.875 of 2023
Date :12/11/2024

SA/VR/SAR. /20.11.2024/3P/6C

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