



Crl.M.P(MD)No.10000 of 2024

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

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

Crl.M.P(MD)No.10000 of 2024

in

Crl.R.C(MD)No.903 of 2024

HUDSON

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 302/2002.

... 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 on the petitioner and enlarge the petitioner on bail in view of the judgment made in Crl.A.No. 19/2014 dt 30.08.2024 on the file of the Additional Sessions Judge, Kuzhithurai, Kanyakumari District confirming the judgment made in C.C.No.228 of 2002 dated 15.04.2014 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in the interest of justice.

Prayer in CRL RC(MD). 903/ 2024 :

To call for the records and set aside the judgment made in Crl.A.No. 19/2014 dt 30.08.2024 on the file of the Learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District whereby confirming the judgment made in CC No.228/2002 dt 15.04.2014 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in the interest of justice.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon
<https://www.jmhc.tn.gov.in/judis>



Crl.M.P(MD)No.10000 of 2024

perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.MUTHUSARAVANAN, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate on behalf of the Respondent, While admitting the Criminal Revision Case, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District in Crl.A.No.19 of 2014, dated 30.08.2024, confirming the judgment passed by the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District in C.C.No.228 of 2002, dated 15.04.2014 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The learned counsel for the petitioner submitted that the petitioner was convicted for the offence under Section 279 of IPC, and sentenced him to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of three weeks and convicted for the offence under Section 337 of IPC (2 counts) and to pay a fine of Rs.500/- for each count, in default to undergo simple imprisonment for a period of three weeks and convicted for the offence under Section 304(A) of IPC, and sentenced him to undergo simple imprisonment for a period of 6 months and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for a period of five weeks in C.C.No.228 of 2002 on the file of the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District.



Crl.M.P(MD)No.10000 of 2024

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3. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District in Crl.A.No.19 of 2014 and the same was dismissed on 30.08.2024. Against which, the petitioner has preferred the present Criminal Revision Case before this Court and filed this petition for suspension of sentence.

4. The learned counsel for the petitioner further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Government Advocate (Crl.side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

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

7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies present in this case, and also there are 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



Crl.M.P(MD)No.10000 of 2024

the petitioner herein is entitled to the relief of grant of suspension of sentence.

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8. Accordingly, the suspension of sentence petition is allowed and the sentence of the imprisonment alone is suspended pending disposal of the revision 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.1, Kuzhithurai, Kanyakumari District;

(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 month i.e., on the first working day of every English Calendar month at 10.30 a.m. until further orders.

sd/-
27/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.M.P(MD)No.10000 of 2024

VSD

TO

1 THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.MUTHU SARAVANAN, Advocate (SR-14579[I] dated 27/11/2024)

ORDER

IN

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in

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Date :27/11/2024

SA/GSV/SAR. /04.12.2024/5P/8C

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