



CRL MP(MD) NO. 11258 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 11258 of 2024

IN

CRL RC(MD) NO. 1013 OF 2024

Abbas Kani
S/o Mangalam,
Periyar nagar, Vella,
Keelakarai,
Ramanathapuram District.

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by the Inspector of Police,
Thiru Uthirakosamangai Police station,
Ramanathapuram district.
Crime No. 40/2017

Respondent(s)

For Petitioner(s): M/s.Ravi Chandra Ramavanni.A
For Respondent(s): Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner/A1 by the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram in C.C.No.40 of 2019, dated 29.08.2023, which was confirmed in Criminal Appeal No.52 of 2023, dated 22.01.2024, by the learned Principal Sessions Judge, Ramanathapuram, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1013 of 2024.



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2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.40 of 2017, came to be registered by the respondent police as against the 1st accused for the offence under Sections 341, 294(b), 323 and 506(i) of IPC read with Section 4 of TNPHW Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.40 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 29.08.2023, and the trial Court sentenced the 1st accused as follows :

(i) to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of two weeks for the offence under Section 294(b) of IPC ;

(ii) to pay a fine of Rs.500/- (Rupees Five Hundred only) for each count, in default, to undergo simple imprisonment for a period of one month for each count for the offence under Section 323 of IPC (2 counts) ;

(iii) to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 506(i) of IPC ;



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and

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(iv) to undergo simple imprisonment for a period of one year and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo simple imprisonment for a period of two months for the offence under Section 4 of TNPHW Act, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.52 of 2023 on the file of the learned Principal Sessions Judge, Ramanathapuram. The learned Principal Sessions Judge, Ramanathapuram, by confirming the said conviction and sentence, dismissed the appeal on 22.01.2024. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

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

8. This Court has carefully considered the submissions made by the learned



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counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies 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 the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(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, Additional Mahila Court, Ramanathapuram.

(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



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

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

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TO

1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.

2 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
THIRU UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-15287[I] dated 11/12/2024)



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

ORDER

IN

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IN

CRL RC(MD) NO. 1013 OF 2024

Date :10/12/2024

RS/GSV/SAR-(06.01.2025) 6P 8C

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