



CRL MP(MD) No.10333 of 2024

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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 P. VADAMALAI

CRL MP(MD) No.10333 of 2024
in
CRL RC(MD) No.937 of 2024

MURUGA PRABHU

... Petitioner / Petitioner

Vs

THE SUB INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
(FIR IN CRIME NO.337 OF 2012)

... 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 Suspension of Sentence imposed by the Learned Judicial Magistrate, Nilakkottai in C.C.No.130 of 2013 dated 24.11.2023, which was confirmed by the appellate trial Court in C.A.No.139 of 2023 on the file of Principal District and Sessions Judge, Dindigul dated 18.09.2024 and enlarge the petitioner on bail pending disposal of the criminal revision.

Prayer in CRL RC(MD). 937/ 2024 :

To Set Aside the Impugned order dated 18.09.2024 passed in C.A.No.139 of 2023 on the file of the Principal District and Sessions Judge, Dindigul confirming the Judgment order dated 24.11.2023 passed in C.C.No.130 of 2023 on the file of Learned Judicial Magistrate, Nilakottai.

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



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of M/s.S.M.RAMASIVA, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate (Crl. side) 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 Judicial Magistrate, Nilakottai, in C.C.No.130 of 2013, dated 24.11.2023, which was confirmed by the learned Principal District and Sessions Judge, Dindigul, in C.A.No.139 of 2023, dated 18.09.2024 and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel for the petitioner submitted that the petitioner was convicted for the offence under Section 304(A) of IPC, and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.3,000/-, in default, to undergo imprisonment for a period of 3 months and for the offence under Section 279 of IPC, to pay a fine of Rs1,000/-, in default, to undergo imprisonment for a period of one week, and for the offence under Section 337 (5 counts), to pay a fine of Rs.500/- for each count, in default, to undergo imprisonment for a period of one week for each count and for the offence under Section 338 (2 counts), to pay a fine of Rs.1,000/- for each count, in default, to undergo imprisonment for a period of one week for each count.

3. Challenging the above said conviction and sentence, the petitioner has preferred the appeal in C.A.No.139 of 2023 before the learned Principal District and



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Sessions Judge, Dindigul. The learned Principal District and Sessions Judge, Dindigul, confirmed the conviction and sentence and dismissed the appeal on 18.09.2024. 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 appearing for the petitioner 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 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, and considering the period of incarceration suffered by them, this Court is of the considered view that 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, Nilakkottai, Dindigul 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/-
12/11/2024

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



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VSD
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To

- 1.The Principal District and Sessions Judge,
Dindigul.
- 2.The Judicial Magistrate,
Nilakkottai, Dindigul District.
- 3.Do through the Chief Judicial Magistrate,
Dindigul District.
- 4.The Sub-Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.10333 of 2024
in
CRL RC(MD) No.937 of 2024
Date :12/11/2024

ED/ VR /SAR- (21/11/2024) 5P / 7C

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