



Crl.M.P(MD)No.11458 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.11458 of 2024

in

Crl.R.C.(MD)No.1039 of 2024

MUNEESWARAN @ MADHU

... Petitioner /Petitioner

Vs

THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.170 OF 2019

... 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 imposed by the Trial Court vide Judgment dated 14.03.2022 in CC.No.53 of 2019 on the file of the Judicial Magistrate No.I, Sivakasi as confirmed by the Appellate Court vide Judgment dated 24.04.2024 in Crl.A.No.31 of 2022 on the file of the Additional District and Sessions Judge, Srivilliputhur.



Crl.M.P(MD)No.11458 of 2024

Prayer in CRL RC(MD). 1039/ 2024 :

To call for the records and set aside the Judgment dated 24.04.2024 passed in Crl.A.No.31 of 2022 on the file of the Additional District and Sessions Judge, Srivilliputhur confirming the Judgment dated 14.03.2022 passed in CC.No.53 of 2019 on the Judicial Magistrate No.I, Sivakasi.

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.MAYILVAHANA RAJENDRAN.C, Advocate for the petitioner and of M/s.K.SANJAI GANDHI, 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 by the learned Judicial Magistrate No.I, Sivakasi in C.C.No.53 of 2019, dated 14.03.2022, which was confirmed by the learned Additional District and Sessions Judge, Srivilliputhur in Crl.A.No.31 of 2022, dated 24.04.2024.

2.The case of the prosecution is that the defacto complainant was running a plastic cane industry near Sapphire School, Sivakasi, that on 20.03.2019, at 06.00 pm., he went to his company in his Royal Enfield Bullet 350 CC bearing Reg.No.TN84X0888 and parked the same in front of his company and kept the key in the table inside his company, that at about 07.00 pm., the accused went inside the company, took the key and stolen the two wheeler of the defacto complainant and hence, the defacto complainant lodged a complaint, based on which, a case in Cr.No.170 of 2019 came to be registered.

3.The respondent, after completing the investigation, has filed the final report



Crl.M.P(MD)No.11458 of 2024

for the offences under Section 379 IPC and the case was taken on file in C.C.No.53 of 2019 and the same was pending on the file of the Judicial Magistrate No.I, Sivakasi.

4.The learned counsel appearing for the petitioner would submit that the trial Court has convicted the petitioner for the offence under Section 379 IPC and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-.

5.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.31 of 2022 on the file of the Additional District and Sessions Judge, Srivilliputhur. The learned Sessions Judge, by confirming the sentence imposed on the petitioner, has dismissed the appeal. 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 there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would submit that the petitioner is in prison from 19.07.2024.

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



Crl.M.P(MD)No.11458 of 2024

WEB COPY

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 as such, 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 No.I, Sivakasi;

(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 week i.e., on every Monday 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



Crl.M.P(MD)No.11458 of 2024

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/-
25/10/2024

/ TRUE COPY /

30 / 10 / 2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE
NO.I, SIVAKASI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SRIVILLIPUTHUR

4 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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



Crl.M.P(MD)No.11458 of 2024

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-13200[I] dated 25/10/2024)

WEB COPY

ORDER
IN
Crl.M.P(MD)No.11458 of 2024
in
Crl.R.C.(MD)No.1039 of 2024
Date :25/10/2024

PSP/ /SAR /30.10.2024/ 6P/ 7C

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