



CRL MP(MD) No.11066 of 2024

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

Tuesday, the Twenty Ninth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11066 of 2024

IN

CRL RC(MD) No.1000 of 2024

ARULPHILPRAJ @ PHILIP

... PETITIONER/REVISION PETITIONER

Vs

THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION
TIRUNELVELI DISTRICT.
CRIME NO.78/2016.

... RESPONDENT/REVISION 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 by granting bail in C.A No. 68/2022 dt. 19.06.2024 on the file of the Honble III Additional District and Sessions Judge, Tirunelveli district in confirming the judgment of learned Principal Assistant Sessions court, Tirunelveli District in S.C.No.57 of 2018 dated 11/10/2022 till the disposal of the criminal revision petition.

Prayer in CRL RC(MD). 1000/ 2024 :

To admit this revision petition on file to call for the records from the lower court and duly set aside the order passed by the Honble III rd Additional District and Sessions Judge, Tirunelveli district in his C.A No. 68/2022 dt. 19.06.2024 in confirming the judgment of learned Principal Assistant Sessions Court, Tirunelveli District in S.C.No.57 of 2018 dated 11/10/2022 by allowing this revision.



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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.K.PRABHU, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the Respondent, the Court made the following order:-

Reserved on : 21.10.2024

Delivered on : 29.10.2024

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the learned III Additional District and Sessions Judge, Tirunelveli in C.A.No.68 of 2022 by judgment, dated 19.06.2024 confirming the judgment of the learned Principal Assistant Sessions Judge, Tirunelveli District in S.C.No.57 of 2018, vide judgment dated 11.10.2022, pending the disposal of the criminal revision.

2. The case of the prosecution is that on 11.03.2016, at about 07.00 hours, due to previous enmity, when the defacto complainant and other took their cows to get vaccinated near the Palayachettikulam Panchayat office, at that time, the petitioner along with other accused waylaid the defcto complainant, abused him in filthy language and attacked him with Aruval; that when the defacto complainant tried to escape from that place, the petitioner has caught hold him and all other accused had attacked the defacto complainant. A case was registered in Crime No.78 of 2016 and



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after investigation, Charge sheet has been filed and after committal, the same was taken on file in S.C.No.57 of 2018 and was pending on the file of the learned Principal Assistant Sessions Court, Tirunelveli. After trial, the trial Court found the petitioner guilty and convicted the petitioner and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo one month simple imprisonment for the offence under Section 147 IPC and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo one month simple imprisonment for the offence under Section 342 IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A.No.68 of 2022 before the learned III Additional District and Sessions Judge, Tirunelveli. The appellate Court confirmed the conviction and the sentence imposed by the trial Court and dismissed the appeal. Aggrieved by the said dismissal, the petitioner has preferred the present Criminal Revision Case along with the Criminal Miscellaneous Petition seeking suspension of sentence.

3. 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.



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4. The learned Additional Public Prosecutor appearing for the State submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

6. 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 taking note of the period of incarceration, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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 Principal Assistant Sessions Judge, Tirunelveli District ;



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(iii) 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 and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application 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/-
29/10/2024

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04/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

TO

- 1 THE IIIRD ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI.
- 2 THE PRINCIPAL ASSISTANT
SESSIONS JUDGE, TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-13410[I] dated 29/10/2024)

ORDER
IN
CRL MP(MD) No.11066 of 2024
IN
CRL RC(MD) No.1000 of 2024
Date :29/10/2024

SS/SAR- /04/11/2024/ 6P/7C

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