



CRL.M.P(MD).No.11857 of 2024

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

Thursday, the Seventh day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P(MD).No.11857 of 2024

in

CRL.R.C(MD).No.1089 of 2024

1 SURIYA

2 RAGUNATH

3 BALA @ BALAKRISHNAN

... PETITIONERS/PETITIONERS

Vs

THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.

CRIME NO. 262/2015

... 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 of Imprisonment awarded against the petitioners by the Judgment dated 03.05.2024 in Crl.A.No.121 of 2023 on the file of the Learned First Additional District Sessions Judge (PCR) Tiruchirappalli in C.C.No.75 of 2019 on the file of the Judicial Magistrate, Thuraiyur pending disposal of the above Criminal Revision Petition on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 1089/ 2024 :

To call for the records relating to the Judgment passed in C.C.No.75/2019 on 13.09.2023, on the file of the Learned Judicial Magistrate, Thuraiyur confirmed in

<https://www.mhc.tn.gov.in/judis>



CRL.M.P(MD).No.11857 of 2024

Criminal Appeal No.121/2023 dated 03.05.2024 by the 1st Learned Additional District Judge (PCR), Thiruchirapalli and set aside the same and thereby acquit accused by allowing this Criminal Revision Petition.

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.B.SEKAR, 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 Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioners by the learned Judicial Magistrate, Thuraiyur in C.C.No.75 of 2019, dated 13.09.2023, which was confirmed in Criminal Appeal No.121 of 2023, dated 03.05.2024, by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.1089 of 2024.

2. The learned counsel appearing for the petitioners submitted that the petitioners/A2 to A4 have been convicted by the trial Court on 13.09.2023 for the alleged offence under Section 341 of IPC, and the trial Court sentenced them to pay a fine of Rs.500/- each (Rupees Five Hundred only) in default to undergo simple imprisonment for a period of one month, and the 3rd petitioner/A4 alone has been convicted by the trial Court for the alleged offence under Section 326 of IPC and sentenced him to undergo simple imprisonment for a period of three years and to pay a fine of Rs.5000/- (Rupees Five Thousand only) in default to undergo simple



CRL.M.P(MD).No.11857 of 2024

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imprisonment for a period of three months, and the 1st and 2nd petitioners/ A2 & A3 have been convicted by the trial Court for the alleged offence under Section 326 read with 109 of IPC and sentenced them to undergo simple imprisonment for a period of three years and to pay a fine of Rs.5000/- each (Rupees Five Thousand only) in default to undergo simple imprisonment for a period of three months.

3. The learned I Additional District and Sessions Judge (PCR), Tiruchirappalli confirmed the conviction and sentence, and dismissed the Criminal Appeal No.121 of 2023, dated 03.05.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Miscellaneous Petition.

4. It is submitted by the learned counsel for the petitioners that the petitioners are in custody from 03.05.2024. He has also submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have also paid the fine amount, imposed on them, on 03.05.2024 itself.

5. This Court has carefully considered the submission of the learned counsel appearing on either side, and has also perused the materials available on record.

6. The learned Government Advocate (Criminal Side) appearing for the respondent has raised only formal objection to this petition.



CRL.M.P(MD).No.11857 of 2024

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7. The learned counsel for the petitioners 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 and as such, and considering the period of incarceration, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

8. 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 petitioners 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, Thuraiyur.

(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 petitioners shall appear before the trial Court once in a



CRL.M.P(MD).No.11857 of 2024

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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.

sd/-
07/11/2024

/ TRUE COPY /

07/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
THIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE,
THURAIYUR.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.

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



CRL.M.P(MD).No.11857 of 2024

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

ORDER
IN
CRL.M.P(MD).No.11857 of 2024
in
CRL.R.C(MD).No.1089 of 2024
Date :07/11/2024

SA/SAR. /07.11.2024/6P/8C

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