



CRL.M.P.(MD)No.11017 of 2024

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

Tuesday, the Tenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P.(MD)No.11017 of 2024

in

CRL.R.C(MD)No.996 of 2024

SETHUPATHY

... Petitioner / Petitioner

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
NAINAR KOVIL POLICE STATION,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT.
CRIME NO. 111/2017

... 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 pass an order of suspension of sentence to suspend the sentence of the petitioner made in C. C no. 11/2018 on the file of the learned Judicial Magistrate court, Paramakudi confirming the judgment dt. 08.12.2023 made in CrI A No. 35 of 2023 on the file of the learned Principal Sessions Judge, Ramanathapuram, pending disposal of the present revision petition.

Prayer in CRL RC(MD). 996/ 2024 :

To call for the entire records in relating to the impugned conviction judgment dt. 20.01.2023 made in C.C No. 11 of 2018 on the file of the learned Judicial Magistrate court, Paramakudi confirming the judgment dt. 08.12.2023 made in CrI A No.35/23 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside the same.



CRL.M.P.(MD)No.11017 of 2024

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.M.S.JEYAKARTHIK, Advocate for the petitioner and of M/s.M.VAIKKAM KARUNANITHI, Government Advocate (Crl. Side) on behalf of the Respondents, while admitting in Criminal Revision Petition the court made the following order:-

Reserved on : 18.11.2024

Pronounced on : 10.12.2024

The petitioner has filed this petition to suspend the sentence passed against him in conviction judgment, dated 20.01.2023 made in C.C.No.11 of 2018 on the file of the learned Judicial Magistrate Court, Paramakudi confirmed by the Principal Sessions Judge, Ramanathapuram in Crl.A.No.35 of 2023, dated 08.12.2023, till the disposal of this Criminal Revision Case.

2.The brief facts of the prosecution case:

The petitioner is the accused in C.C.No.11 of 2018 on the file of the Judicial Magistrate Court, Paramakudi. He was found guilty of charges under Sections 457 and 380 of IPC convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of 3 months U/s.457 of IPC, and to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for a period of 6 months U/s.380 of IPC as per judgment, dated 20.01.2023. Aggrieved by the conviction judgment, the petitioner has preferred the appeal in Crl.A.No.35 of 2023 before the Principal Sessions Court,



CRL.M.P.(MD)No.11017 of 2024

WEB COPY

Ramanathapuram and the said Crl.A.No.35 of 2023 was dismissed on 08.12.2023 by confirming the conviction judgment. Challenging the judgment passed in Crl.A.No.35 of 2023, the petitioner has preferred the main Criminal Revision before this Court. Along with criminal revision, the petitioner has filed this petition seeking for suspension of sentence and for bail till the disposal of the criminal revision case.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the records in this Criminal Revision Case.

4. The learned counsel for the petitioner has submitted that the Courts below failed to consider the evidence of prosecution witnesses, who are interested witnesses. P.W.1 has deposed that he has no knowledge about the stolen properties. There are contradictions in the evidences of prosecution witnesses. The evidence of P.W.1 was not corroborated by other witnesses, his mother was examined as P.W.2, who did not support the prosecution case. The petitioner has a fair chance of success in this criminal revision. He is the only bread winner to this family. The petitioner is in prison from 28.09.2024. Therefore, the learned counsel for the petitioner prays for suspension of sentence and bail for the petitioner. In support of his argument, the learned counsel relied on the judgment of this Court passed in Crl.A.No.116 of 2010 dated 11.03.2019.



CRL.M.P.(MD)No.11017 of 2024

WEB COPY

5. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner is the habitual offender and has been involved in many cases of this nature and the learned Government Advocate (Crl.side) filed a list of cases. The Courts below have correctly appreciated the evidence and correctly passed the judgment convicting the accused as stated therein. Therefore, he strongly opposed to grant suspension of sentence and bail.

6. On hearing both side rival arguments and on perusal of records, it is clear that the petitioner was convicted and sentenced to imprisonment as stated supra. On perusal of the list furnished by the respondent side, it is clear that the petitioner has previous cases in Crime No.111 of 2017 U/s. 457, 380 of IPC; Crime No.132 of 2017 U/s.397 of IPC; Crime No.77 of 2021 U/s.290 of IPC & 4(1), 4A(1a) of TNOPPD Act and in Crime No.156 of 2021 U/s.379 of IPC of Nainarkovil Police Station and Crime No.381/2022 U/s.279, 287, 291 of IPC and Section 177 of MV ACT of Kamuthi Police Station and in Crime No.64 of 2022 U/s.379 of IPC of Peraiyur Police Station. Moreover, the petitioner was imposed conviction and sentences in the cases in Crime No.135 of 2013 U/s.279, 337 of IPC and Crime No.42 of 2017 U/s.143, 188 of IPC of Nainarkoil Police Station and Crime No.561 of 2015 U/s.4(1)(a) of TNP Act and Crime No.631 of 2015 U/s.4(1)(a) of TNP Act of Kamuthi Police Station. The learned counsel for the petitioner has not disputed about the previous cases and also the



CRL.M.P.(MD)No.11017 of 2024

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previous conviction passed against the petitioner. Therefore, considering the bad antecedents of the petitioner, this Court is not inclined to consider the relief of suspension of sentence sought in this petition.

7. In the result, this Criminal Miscellaneous Petition is dismissed.

sd/-
10/12/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM

4 THE INSPECTOR OF POLICE,
NAINAR KOVIL POLICE STATION,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT.

5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



CRL.M.P.(MD)No.11017 of 2024

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

COPY TO

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-15288[I] dated 11/12/2024)

ORDER
IN
CRL.M.P.(MD)No.11017 of 2024
in
CRL.R.C(MD)No.996 of 2024
Date :10/12/2024

PSP/ VR /SAR /17.12.2024/ 6P/ 9C

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