



CRL MP(MD) No.11172 of 2024

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

Wednesday, the Thirteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P(MD).No.11172 of 2024

in

CRL.R.C(MD).No.1008 of 2024

VENKATESAN

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE,
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.331 OF 2004.

... 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 enlarge the petitioner on bail by Suspending the sentence imposed upon him in C.C.No.60 of 2007 on the file of the Learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District dated 18.02.2019, which had been confirmed in Crl.A.No.33 of 2019 on the file of the Learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District vide judgment dated 27.08.2024 pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 1008/ 2024 :

To call for the records and set aside the Judgment dated 27.08.2024 passed in Crl.A.No.33 of 2019 on the file of the Learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District, confirming the conviction and sentence imposed upon the Petitioner in C.C.No.60 of 2007 on the file of the Learned

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



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Judicial Magistrate No.I, Kumbakonam, Thanjavur District, dated 18.02.2019 and acquit the petitioner.

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.C.SURESH KANNAN, 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 petitioner by the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District in C.C.No.60 of 2007, dated 18.02.2019, which was confirmed in Criminal Appeal No.33 of 2019, dated 27.08.2024, by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.1008 of 2024.

2. The learned counsel appearing for the petitioner submitted that the petitioner/accused has been convicted by the trial Court on 18.02.2019 for the alleged offence under Section 471 of IPC, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo simple imprisonment for a period of three months.

3. The learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District confirmed the conviction and sentence, and



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dismissed the Criminal Appeal No.33 of 2019, dated 27.08.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Miscellaneous Petition seeking suspension of sentence.

4. It is submitted by the learned counsel for the petitioner 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 petitioner has paid the fine amount of Rs.5,000/- imposed on him.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

6. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies 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, 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, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(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 Judicial Magistrate No.I, Kumbakonam, Thanjavur 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/-
13/11/2024

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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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MKN

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
KUMBAKONAM, THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-13951[I] dated 13/11/2024)

ORDER

IN

CRL MP(MD) No.11172 of 2024

Date :13/11/2024

SA/GSV/SAR. /25.11.2024/5P/8C

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