



CRL MP(MD) No.11297 of 2024

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

Wednesday, the Twenty Third day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11297 of 2024

in

CRL A(MD) No.864 of 2024

KAMESH

... Petitioner / Appellant / Accused No.2

Vs

THE INSPECTOR OF POLICE,
KALIYAKAAVILAI POLICE STATION,
KANIYAKUMARI DISTRICT.
(CRIME NO. 420/2008.)

... Respondent / Respondent / Complainant

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 execution of sentence by granting bail in S.C.No. 357/2016 dt. 25.09.2024 on the file of the learned Fast Track Mahila Court, Kuzhithurai, Kaniyakumari district pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.864 of 2024:

To admit this appeal on file, to call for the records from learned Fast Track Mahila Court, Kuzhithurai, Kaniyakumari District in S.C.No.357 of 2016 and to quash and set aside the judgment dated 25.09.2024 by acquitting the appellants.



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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 M/s.K. PRABHU, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal appeal, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Judge, Fast Track Mahila Court, Kuzhithurai, Kanniyakumari, dated 25.09.2024, made in S.C.No.357 of 2016 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2. The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge,

i) for the alleged offence under Section 147 of IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months.

ii) for the alleged offence under Section 452 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months.

iii) for the alleged offence under Section 148 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to



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undergo simple imprisonment for three months.

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(iv) for the alleged offence under Section 326 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months.

(v) for the alleged offence under Section 324 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months.

3. It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court from 25.09.2024 till 25.10.2024, by order dated 25.09.2024.

4. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge, Fast Track Mahila Court, Kuzhithurai, Kanniyakumari and on further condition that the



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petitioner shall appear before the said Court once in a week at 10.30 a.m. pending

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appeal.

sd/-

23/10/2024

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/11/2024

Sub-Assistant Registrar

(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

PNN

To

1.The Judge,
Fast Track Mahila Court,
Kuzhithurai, Kanniyakumari District.

2.The Inspector of Police,
Kaliyakaavilai Police Station,
Kanniyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-13100[I] dated 24/10/2024)



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ORDER
IN
CRL MP(MD) No.11297 of 2024
in
CRL A(MD) No.864 of 2024
Date :23/10/2024

ED/ JGB /SAR- (07/11/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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