



CRL MP(MD) No.11686 of 2024

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

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

PRESENT

The HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.11686 of 2024

in

CRL RC(MD) No.1064 of 2024

BALASUBRAMANI

... Petitioner / Petitioner

Vs

THE SUB INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
KEERANUR,
DINDIGUL DISTRICT.
(CRIME NO. 148/2016)

... 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 imposed by the Fast track court (Judicial Magistrate level) Palani passed in C.C no. 06/2019 dt. 10.12.2019 for the offences u/s 326 IPC and confirming judgment dt. 27.09.2024 made in C.A No. 01 of 2020 on the file of the Additional District Court (FTC), Palani till the pending disposal of the above said criminal revision.

Prayer in CRL RC(MD). 1064/ 2024 :

To call for the records relating to the judgment of the Addl District court (FTC) Palani dt. 27.09.2024 made in C.A No. 01/2020 confirmed the sentence and conviction order of the Fast track court (Judicial Magistrate level) Palani passed in C.C No.06 of 2019 dated 10.12.2019 and set aside the same and allow the 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 M/s.M.KALIRAJ, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the Court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioner/first accused by the learned Fast Track Court (Judicial Magistrate Level), Palani, in C.C.No.6 of 2019, dated 10.12.2019, which was confirmed by the learned Additional District Judge (FTC), Palani in C.A.No.1 of 2020, dated 27.09.2024.

2. The case of the prosecution is that on 10.05.2019 at about 05.30 a.m., the petitioner along with other accused had abused the defacto complainant in filthy language and assaulted him and also threatened him with dire consequences. Hence, FIR came to be registered in Crime No.148 of 2016.

3. The respondent, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.6 of 2019 and the same was pending on the file of the Judicial Magistrate, Fast Track Court, Palani.

4. The learned counsel appearing for the petitioner would submit that the trial Court has convicted the petitioner for the offence under Section 326 IPC and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo one month simple imprisonment.



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5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.1 of 2020 on the file of the Additional District Court (FTC), Palani. The learned District Judge, confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present criminal revision along with the above application for suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that the petitioner is aged 74 years and that the petitioner has already paid the fine amount. He would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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

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

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material



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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 also considering the age of the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence 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 Fast Track Court (Judicial Magistrate Level), Palani;

(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 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



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trial Court on any other day in lieu of the date of his absence, as
directed by the trial Court.

sd/-
30/10/2024

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

CSM

To

- 1.The Additional District Judge,
Fast Track Court, Palani.
- 2.The Judicial Magistrate,
Fast Track Court (Judicial Magistrate Level),
Palani.
- 3.Do through the Chief Judicial Magistrate,
Dindigul District.
- 4.The Sub Inspector of Police,
Keeranur Police Station,
Keeranur, Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KALIRAJ, Advocate (SR-13573[I] dated 04/11/2024)



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ORDER

IN

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in

CRL RC(MD) No.1064 of 2024

Date :30/10/2024

ED/ GSV /SAR- (02/12/2024) 6P / 7C

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