



CRL MP(MD) No.12109 of 2024

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

Monday, the Eighteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12109 of 2024

in

CRL RC(MD) No.1133 of 2024

ARAVINTH

... Appellant / Sole Accused

Vs

THE SUB INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

... 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 sentence imposed against the petitioner in C.A no. 31 of 2023 dt. 04.10.2024 passed by the learned II Addl District and Sessions Judge, Tiruchirappalli which partially confirming the judgment and conviction order in C.C no. 151/2022 on the file of the District Munsif cum Judicial Magistrate, Thottiyam and enlarge me on bail pending disposal of the above appeal.

Prayer in CRL RC(MD). 1133/ 2024 :

To call for the records in the file of the Learned II Addl District and Sessions Judge, Tiruchirappalli in C.A No. 31/2023 dt. 04.10.2024 by which partially confirming the judgment and conviction order in C.C No. 152 of 2022 on the file of the District Munsif cum Judicial Magistrate, Thottiyam and to set aside the same.

Order : This criminal miscellaneous petition coming up for orders on this day,



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upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SENTHIL KUMAR.A.M, Advocate for the petitioner and of Mr.R.M.ANBUNTHI, Additional Public Prosecutor 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 District Munsif cum Judicial Magistrate, Thottiyam in C.C.No.152 of 2022, dated 23.02.2023, which was confirmed in Criminal Appeal No.31 of 2023, dated 04.10.2024, by the learned II Additional District and Sessions Judge, Tiruchirappalli, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1133 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.160 of 2018, came to be registered by the respondent police as against the accused for the offence under Sections 294(b), 332, 353, 447 and 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.152 of 2022 on the file of the District Munsif cum Judicial Magistrate, Thottiyam.

4. The learned counsel appearing for the petitioner submitted that the petitioner/accused has been convicted by the trial Court on 23.02.2023, and the trial Court sentenced the accused to undergo simple imprisonment for a period of three



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months and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of three weeks for the offence under Section 447 of IPC, and to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 323 of IPC, and to undergo simple imprisonment for a period of three months and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of three weeks for the offence under Section 352 of IPC, and to undergo simple imprisonment for a period of two years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo simple imprisonment for a period of six months for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.31 of 2023 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli. The learned II Additional District and Sessions Judge, Tiruchirappalli has partly allowed the appeal by modifying the conviction and sentence imposed by the District Munsif cum Judicial Magistrate, Thottiyam in C.C.No.152 of 2022 dated 23.02.2023. Accordingly, the



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accused was acquitted for the offence under Section 352 of IPC, and the appellate Court affirmed the conviction and sentence of the trial Court for the offence under Sections 447 and 323 of IPC, and the accused was sentenced to undergo simple imprisonment for a period of eighteen months and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo simple imprisonment for a period of six months for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

6. 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 further submitted that the fine amount, imposed on the petitioner, has been paid.

7. The learned Additional Public Prosecutor (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.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal Side) appearing for the respondent, and has also perused the materials available on



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record.

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9. The learned counsel for the petitioner 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, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. 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 learned District Munsif cum Judicial Magistrate, Thottiyam.

(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



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(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/-
18/11/2024

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

MKN

To

- 1.The II Additional District and Sessions Judge,
Tiruchirappalli.
- 2.The District Munsif cum Judicial Magistrate,
Thottiyam.
- 3.Do through the Chief Judicial Magistrate,
Tiruchirappalli District.
- 4.The Sub Inspector of Police,
Kattuputhur Police Station,
Tiruchirappalli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Copy to:

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

+1 CC to M/s.A.M.SENTHIL KUMAR, Advocate (SR-14158[I] dated 18/11/2024)

ORDER
IN
CRL MP(MD) No.12109 of 2024
in
CRL RC(MD) No.1133 of 2024
Date :18/11/2024

ED/ VR /SAR- (23/11/2024) 7P / 8C

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