



CRL.M.P(MD).No.11329 of 2024

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

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

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P(MD).No.11329 of 2024
in
CRL.R.C(MD).No.1019 of 2024

A.BASKARAN

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

THE STATE OF TAMIL NADU
REP BY THE SUB INSPECTOR OF POLICE,
THIRUPPATHUR NAGAR POLICE STATION,
CRIME NO. 225/2010

... RESPONDENT/RESPONDENT/
RESPONDENT

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 in Judgment dt. 17.02.2021 made in C.C no. 188 of 2010 on the file of the Principal District Munsif cum Judicial Magistrate court, Thirupathur which was confirmed dismissing the appeal by the judgment t. 06.09.2024 made in Crl.Appeal No.03 of 2021 on the file of the Fast Track Mahila Court, Sivagangai District and enlarged the petitioner on bail.

Prayer in CRL RC(MD). 1019/ 2024 :

To allow the revision petition and set aside the dismissal order judgment dt. 06.09.2024 made in Crl A No. 3/2021 on the file of the Fast track Mahila court, Sivagangai district confirming the conviction judgment dt. 17.02.2021 made in C.C No. 188 of 2010 on the file of the Principal District Munsif cum Judicial Magistrate Court, Thiruppathur.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.GOKUL, Advocate for the petitioner and of MR.R.M.ANBUNITHI, 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 Principal District Munsif cum Judicial Magistrate, Thiruppathur in C.C.No.188 of 2010, dated 17.02.2021, which was confirmed in Criminal Appeal No.3 of 2021, dated 06.09.2024, by the Fast Track Mahila Court, Sivagangai District, pending disposal of the Criminal Revision Case in Crl.R.C.(MD) No.1019 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.225 of 2010, came to be registered by the respondent police as against the accused for the offence under Sections 279, 237, 338 and 304(A) of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.188 of 2010 on the file of the Principal District Munsif cum Judicial Magistrate, Thiruppathur.



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4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 17.02.2021, and the trial Court sentenced him as follows :

(i) to undergo simple imprisonment for a period of four months and to pay a fine of Rs.200/- (Rupees Two Hundred only), in default, to undergo simple imprisonment for a period of fifteen days for the offence under Section 279 of IPC;

(ii) to pay a fine of Rs.2,800/- (Rupees Two Thousand and Eight Hundred only) (Rs.100 x 28 counts), in default, to undergo simple imprisonment for a period of twenty eight days for 28 counts for the offence under Section 337 of IPC (28 counts);

(iii) to undergo simple imprisonment for a period of thirty months (6 months x 5 counts) and to pay a fine of Rs.2,000/- (Rupees Two Thousand only)(Rs.400 x 5 counts), in default, to undergo simple imprisonment for a period of fifteen days for 5 counts for the offence under Section 338 of IPC (5 counts); and

(iv) to undergo simple imprisonment for a period of three years (1 year x 3 counts) and to pay a fine of Rs.15,000/- (Rupees Fifteen Thousand only)(Rs.5000 x 3 counts), in default, to undergo simple imprisonment for a period of six months for 3 counts for the offence under Section 304(A) of IPC (3 counts), and the sentences were ordered to run consecutively.



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5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.3 of 2021 on the file of the Fast Track Mahila Court, Sivagangai District. The Fast Track Mahila Court, Sivagangai District by confirming the said conviction and sentence, dismissed the appeal on 06.09.2024. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case before this Court along with this 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 petitioner has now surrendered, and is undergoing imprisonment from 20.11.2024.

7. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondent also conceded to the fact that the petitioner has surrendered on 20.11.2024, and has raised only formal objection to this petition.



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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 record.

9. 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.

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 Principal District Munsif cum Judicial Magistrate Court, Thirupathur.



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(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/-
25/11/2024

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25/11/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn
TO

1.THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE JUDGE, FAST TRACK MAHILA COURT, SIVAGANGAI DISTRICT,

4.THE SUB INSPECTOR OF POLICE,
THIRUPPATHUR NAGAR POLICE STATION,
THIRUPPATHUR.

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

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



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ORDER
IN
CRL.M.P(MD).No.11329 of 2024
in
CRL.R.C(MD).No.1019 of 2024
Date :25/11/2024

RK (25/11/2024) 7P / 7C

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