



Crl.M.P(MD)No.11343 of 2024

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

Thursday, the Twenty Fourth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.11343 of 2024

in

Crl.R.C.(MD)No.1023 of 2024

1 ARUL PANDIAN

2 THIRUNAVUKKARASU

... Petitioners/ Petitioners

Vs

THE STATE OF TAMIL NADU

REP BY THE SUB INSPECTOR OF POLICE,

UPPILIYAPURAM POLICE STATION TRICHY DISTRICT.

CRIME NO. 185/2017

... 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 upon the petitioners in Criminal appeal no. 165 of 2019 on the file of the learned Principal District and Sessions Judge, Trichy dt. 14.10.2024 modifying the conviction and sentence made in C.C no. 226 of 2017 on the file of the learned Judicial Magistrate Thuraiyur dated 04.11.2019 and enlarge them on bail pending disposal of the main Criminal Revision Case.

Prayer in CRL RC(MD). 1023/ 2024 :

To call for the records pertaining to the judgment of conviction and sentence passed by the Principal District and Sessions Judge, Trichy in Criminal appeal no. 164/2019 dt. 14.10.2024 modifying the conviction and sentence imposed upon the petitioners by the learned Judicial Magistrate Thuraiyur in C.C.No.226 of 2017 dated 04.11.2019 and set aside the same.

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.T.LENINKUMAR, Advocate for the petitioner and of M/s.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Court made the following order:-



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The above petition has been filed to suspend the sentence imposed on the petitioners/accused 1 and 2 by the learned Judicial Magistrate, Thuraiyur, in C.C.No.226 of 2017, dated 04.11.2019, which was modified by the learned Principal District and Sessions Judge, Trichy in C.A.No.165 of 2019, dated 14.10.2024.

2. The case of the prosecution is that on 30.07.2017 at about 05.00 a.m., the petitioners had committed theft of a goat belonging to one Veeraiyan. Hence, FIR came to be registered in Crime No.185 of 2017.

3. The respondent, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.226 of 2017 and the same was pending on the file of the Judicial Magistrate, Thuraiyur.

4. The learned counsel appearing for the petitioners would submit that the trial Court has convicted the petitioners for the offence under Section 379 IPC and sentenced them to undergo six months simple imprisonment and to pay a fine of Rs.500/- each, in default, to undergo one month simple imprisonment.

5. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in C.A.No.164 of 2019 on the file of the Principal District and Sessions Court, Tiruchirappalli. The learned Sessions Judge, while partly allowing the appeal, has modified the sentence for the offence under Section 379 IPC from six months to three months and has confirmed the fine amount. Being dissatisfied with



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the said conviction and sentence, the petitioners have preferred the present criminal revision along with the above application for suspension of sentence.

6. The learned counsel appearing for the petitioners would submit that the petitioners are in custody from 14.10.2024 and that they have 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 petitioners 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 petitioners pointed out that certain infirmities and inconsistencies in this case and also 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence and bail is granted to the



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petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur;

(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 petitioners 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 they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

sd/-
24/10/2024

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/ 10 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE JUDICIAL MAGISTRATE, THURAIYUR,

2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI DISTRICT.

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TRICHY

4 THE SUB INSPECTOR OF POLICE,
UPPILIYAPURAM POLICE STATION TRICHY DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13069[I] dated 24/10/2024)

ORDER

IN

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in

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Date :24/10/2024

PSP/ JGB /SAR /25.10.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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