



Crl.M.P(MD)No.11460 of 2024

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

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

Crl.M.P(MD)No.11460 of 2024

in

Crl.R.C(MD)No.1040 of 2024

1 GANAPATHY NADAR

2 SURESH

... PETITIONERS/PETITIONERS

Vs

THE INSPECTOR OF POLICE,
VICKRAMASINGAPURAM POLICE STATION,
CRIME NO. 58/2016.

... 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 in S.C.No.571/2017 on the file of the Assistant Sessions Judge, Ambasamudram by judgment dt.12.09.2023 confirmed in C.A.No.148/2023 on the file of the I Additional District Sessions Judge, Tirunelveli dt.30.09.2024 and grant bail to the petitioners.

Prayer in CRL RC(MD). 1040/ 2024 :

To call for records pertaining to the judgment in C.A.No. 148/2023 on the file of the I Additional District Sessions Judge, Tirunelveli dt. 30.09.2024 confirming the conviction and sentence imposed by the judgment dt.12.09.2023 in S.C.No.571/2017 on the file of the Assistant Sessions Judge, Ambasamudram and set aside the same and acquit the accused.

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



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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 Mr.T.A.EBENEZER, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate on behalf of the Respondent, While admitting the Criminal Revision Case, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioners in S.C.No.571 of 2017 on the file of the learned Assistant Sessions Judge, Ambasamudram by the judgment, dated 12.09.2023 confirmed in C.A.No.148 of 2023 on the file of the learned I Additional District and Sessions Judge, Tirunelveli, dated 30.09.2024 and grant bail to the petitioners.

2. The learned counsel for the petitioners submitted that the petitioners were convicted for the offence under Section 324 of IPC, and sentenced them to pay a fine of Rs.5,000/- each, in default, to undergo simple imprisonment for a period of 3 months each and convicted for the offence under Section 326 of IPC, and sentenced them to undergo rigorous imprisonment for a period of one year each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a period of two months each and acquitted them for the offence under Sections 147, 148, 294(b) and 506(ii) of IPC.

3. Challenging the above said conviction and sentence, the petitioners have preferred the appeal in C.A.No.148 of 2023 before the learned I Additional District



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and Sessions Judge, Tirunelveli. The learned I Additional District and Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the appeal on 30.09.2024. Against which, the petitioners have preferred the present Criminal Revision Case before this Court and filed this petition for suspension of sentence.

4. The learned counsel appearing for the petitioners submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Government Advocate (Crl.side) appearing for the respondent submitted that there are enough materials available on record against the petitioners and prays for dismissal of this petition.

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

7. The learned counsel for the petitioners 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

8. Accordingly, the suspension of sentence petition is allowed and the sentence



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of the imprisonment alone is suspended pending disposal of the revision on the following conditions:-

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(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 Assistant Sessions Judge, Ambasamudram;

(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 learned Assistant Sessions Judge, Ambasamudram, 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/-
26/11/2024

/ TRUE COPY /

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



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VSD

TO

1 THE ASSISTANT SESSIONS JUDGE,
AMBASAMUDRAM.

2 THE I ADDITIONAL DISTRICT SESSIONS JUDGE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
VICKRAMASINGAPURAM POLICE STATION,
VICKRAMASINGAPURAM.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-14526[I] dated 26/11/2024)

ORDER IN
Crl.M.P(MD)No.11460 of 2024
in
Crl.R.C(MD)No.1040 of 2024
Date :26/11/2024

SA/VR/SAR. /04.12.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.