



Crl.M.P(MD)No.11534 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

Crl.M.P(MD)No.11534 of 2024

in

Crl.R.C(MD)No.1050 of 2024

S.DINESH

... Petitioner / Petitioner /
Appellant / Accused

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY CR.NO. 553/2018

... Respondent / Respondent /
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 and release the petitioner on bail against the judgment passed in C.A no. 22/2020 on the file of the Principal District and Sessions Judge, Trichy district dt.12.09.2024 by confirming the judgment in S.C No. 85/2019 dated 30.01.2020 on the file of Chief Judicial Magistrate, Trichy pending disposal of Criminal revision peition.

Prayer in CRL RC(MD). 1050/ 2024 :

C-45R. To call for the records and set aside the order passed in C.A No. 22 of 2020 dt. 12.09.2024 on the file of the Principal District and Sessions Judge, Trichy district by confirming the judgment in S.C No. 85/2019 on the file of the Chief Judicial Magistrate, Trichy and acquit the petitioner.



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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.J.EBINEZAR CHARLES, Advocate for the petitioner and of M/s.M.VAIKKAM KARUNANITHI, Governemnt Advocate on behalf of the Respondents, while admitting the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Trichy, in C.A.No.22 of 2020, dated 12.09.2024, confirming the judgment passed by the learned Chief Judicial Magistrate, Trichy in S.C.No.85 of 2019, dated 30.01.2020.

2. The case of the prosecution is that on 08.11.2018 at about 1.15 p.m., when P.W.1/Chinnammal was sleeping in her house, the petitioner/Accused who was in a drunken mood and trespassed into the house and intended to outrage the modesty by pressing her breast. P.W.1/Chinnammal got fear because already the accused had misbehaved with his mother in a drunken mood. Further, the accused requested to give her phone, but she stated that she had no balance in the mobile phone. At that time, the petitioner/accused took the knife and cut the neck of the informant and caused grievous injury and thereby, attempted to commit murder. Based on the complaint, F.I.R., was registered in Crime No.553 of 2018 for the offence under Section 452, 354, 324, and 307 of IPC. After completion of investigation, final report was filed before the learned Chief Judicial Magistrate, Tiruchirappalli and the same was taken on file in S.C.No.85 of 2019.



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3. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments on both sides, has passed the judgment, dated 30.01.2020 and convicted the petitioner for the offence under Sections 452, 354, 324 of IPC, and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of six months for each offences and the petitioner/Accused found not guilty under Sections 307 of IPC.

4. The learned Principal District and Sessions Judge, Trichy, reduced the sentence imposed by the trial Court as one year rigorous imprisonment for each offence and partly allowed the Criminal Appeal No.22 of 2020, dated 12.09.2024. Against which, the petitioner has preferred the present Criminal Revision Case before this Court and filed this petition for suspension of sentence.

5. It is submitted by the learned counsel appearing for the petitioner that the petitioner/Accused voluntarily surrendered on 05.11.2024 and he is in custody till date. 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.

6. It is submitted by the learned Government Advocate (Crl.side) appearing for State that there are enough materials available on record against the petitioner and



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prays for dismissal of this petition.

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

8. The learned counsel appearing for the petitioner 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 and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

9. Accordingly, the suspension of sentence petition is allowed and the sentence of the imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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 Chief Judicial Magistrate, Tiruchirappalli;

(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/-
11/11/2024

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11 / 11 / 2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TRICHY,
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION, TRICHY
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER,
CRIMINAL RECORDS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI



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+1. C.C. to J.EBINEZAR CHARLES Advocate SR.No.13794 (I) dated 11/11/2024

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ORDER
IN
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in
Crl.R.C(MD)No.1050 of 2024
Date :11/11/2024

PSP/ /SAR /11.11.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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