



CRL MP(MD) NO. 13131 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 13131 of 2024

IN

CRL RC(MD) NO. 1290 OF 2024

M.Selvam @ Karthick
S/o.Machakaalai,
4/43. Sathya Narayanapuram,
Pallapalayam,
Coimbatore - 641 103.

Petitioner / A1

Vs

The state of Tamil Nadu
Rep.by The Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.12 of 2011.

Respondent

For Petitioner : Mr.SMA.Jinnah, Advocate
For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed against the petitioner by the learned Assistant Sessions Judge, Periyakulam in S.C.No.160 of 2015, dated 21.03.2023, which was confirmed and modified by the learned Additional District and Sessions Judge, Periyakulam in C.A.No.50 of 2023, dated 30.09.2024 pending disposal of the criminal revision case.

2. The learned counsel for the petitioner submitted that a case has been



CRL MP(MD) NO. 13131 of 2024

WEB COPY

registered against the petitioner in Crime No.12 of 2011 on the file of the respondent/Inspector of Police, Periyakulam Police Station, Theni District for the offence punishable under Sections 489(A), 489(B), 489(C) and 399 r/w 120(b) of IPC and the same was taken on file in S.C.No.160 of 2015 before the learned Assistant Sessions Judge, Periyakulam. The petitioner was convicted for the offence under Section 489(C) of IPC., and sentenced him to undergo rigorous imprisonment for a period of 7 years and to pay a sum of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for a period of 2 months and the petitioner was acquitted for the offence under Sections 489(A), 489(B) and 399 r/w 120(b) of IPC.

3. Aggrieved by the conviction judgment, the petitioner has preferred the appeal in C.A.No.50 of 2023 before the learned Additional District and Sessions Judge, Periyakulam. The said C.A.No.50 of 2023 was partly allowed by common judgment, dated 30.09.2024, confirming the conviction and fine amount, however modifying the sentence to undergo Rigorous Imprisonment for a period of 3 years for the offence U/s.489(C) of IPC.

4. Challenging the judgment passed in C.A.No.50 of 2023, the petitioner has preferred the main Criminal Revision Case along with this petition seeking suspension of sentence pending disposal of the criminal revision.



CRL MP(MD) NO. 13131 of 2024

WEB COPY

5. The learned counsel for the petitioner further 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. He would further submit that the co-accused/Accused Nos.2 and 5 were already granted bail by suspending the sentence as per the order of this Court, dated 09.12.2024 passed in CrI.M.P(MD)No.13294 of 2024 in CrI.R.C(MD)No.1308 of 2024. Therefore, the learned counsel for the petitioner prays for seeking suspension of sentence.

6. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioner.

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 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, and the co-accused/Accused Nos.2 and 5 have already been granted bail by suspending the sentence, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



CRL MP(MD) NO. 13131 of 2024

WEB COPY

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 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 Assistant Sessions Judge, Periyakulam;

(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 twice a month i.e., on the 1st and 3rd Monday of every English Calendar month at 10.30 a.m., until further orders.

sd/-

18/12/2024

/ TRUE COPY /

/01/2025

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

VSD

To

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PERIYAKULAM.

2 THE ASSISTANT SESSIONS JUDGE, PERIYAKULAM.



CRL MP(MD) NO. 13131 of 2024

3 THE INSPECTOR OF POLICE, PERIYAKULAM POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL MP(MD) NO. 13131 of 2024
IN
CRL RC(MD) NO. 1290 OF 2024
Date :18/12/2024

RS/GSV/SAR-(07.01.2025) 5P 5C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023