



CRL MP(MD) No.16714 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.16714 of 2023

in

CRL A(MD) No.1044 of 2023

BASKAR

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO. 125 OF 2019

... 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 conviction and the sentence passed by the learned Chief Judicial Magistrate, Tiruchirappalli dt. 19.05.2022 made in S.C No. 153 of 2019.

Prayer in CRL A(MD).1044/2023 :

To call for the record and set aside the conviction and sentence passed by the Learned Chief Judicial Magistrate, Tiruchirappalli dated 19.05.2022 made in S.C.No.153 of 2019.

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.C.KARTHIKEYAN, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

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



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Chief Judicial Magistrate, Tiruchirappalli, in S.C.No.153 of 2019 dated 19.05.2022 and to enlarge him on bail, pending disposal of the Criminal Revision.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.125 of 2019 on the file of the respondent/Inspector of Police, Ariyamangalam Police Station, Trichy District, for the offences punishable under Sections 294(b), 324, 506(ii) and 307 of IPC and the same was taken on file in S.C.No.153 of 2019 before the learned Chief Judicial Magistrate, Tiruchirappalli. The petitioner was convicted and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) with six months simple imprisonment in case of default for offence under Section 307 of IPC and to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) with six months simple imprisonment in case of default for offence under Section 326 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Criminal Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner further submitted that the prosecution has



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failed to prove the allegation levelled against the petitioner and to corroborate the evidence of prosecution witnesses. He further submitted that the trial court failed to consider that the victim and eye witnesses did not depose their evidence cogently. Though several contradictions are there in their evidences, the trial Court without considering the above facts, convicted the petitioner. Further, very lodging of the complaint itself was doubtful and the recovery was not proved and the trial Court failed to note that the alleged eyewitness are interested witnesses because they are the family members and relatives and therefore, prayed for suspension of sentence. He further submitted that the petitioner is in judicial custody from 19.05.2022 and has not committed any offence as alleged by the prosecution.

4. Per contra, Mr.M.Muthumanikkam, learned Government Advocate (Crl. side) submitted that considering the gravity of offence committed by the petitioner, the Court below has found him guilty and hence, opposed for allowing this petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. This Court finds force in the submission of the learned counsel for the petitioner and hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal and further the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view



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that the petitioner herein is entitled to the relief of grant of suspension of sentence.

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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Chief Judicial Magistrate, Tiruchirappalli, in S.C.No.153 of 2019 dated 19.05.2022 alone is suspended, subject to 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 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.

iii) The petitioner shall appear and sign before the learned Chief Judicial Magistrate, Tiruchirappalli, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

v) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Chief Judicial Magistrate, Tiruchirappalli.



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allowed.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is

sd/-
08/03/2024

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13/03/2024

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

RM

TO

1 THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE, ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.C.KARTHIKEYAN, Advocate (SR-2941[I] dated 08/03/2024)

ORDER IN
CRL MP(MD) No.16714 of 2023
in
CRL A(MD) No.1044 of 2023
Date :08/03/2024

RS//SAR-(13.03.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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