



CRL.M.P(MD).No.12678 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.12678 of 2024

in

CRL.R.C(MD).No.1214 of 2024

GANESHAN

... Petitioner / Petitioner

Vs

THE STATE OF TAMIL NADU
REP BY THE SUB INSPECTOR OF POLICE,
THIRUVEGAMPATTUR POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 172 OF 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 on the petitioner in C.C No. 131 of 2017 on the file of the learned Judicial Magistrate court, Devakottai, Sivagangai District dt. 26.05.2023 confirmed by the learned Principal Sessions court, Sivagangai in C.A.No.58 of 2023 dated 09.09.2024, pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 1214/ 2024 :

To call for the records pertaining to the conviction order passed in C. A No. 58/2023 on the file of the learned Principal Sessions court, Sivagangai dt. 09.09.2024

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by partly allowed the conviction and sentence passed by the learned Judicial Magistrate court, Devakottai, Sivagangai District dt. 26.05.2023 in C.C No. 131 of 2017 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.A.ARPUTHARAJ, Advocate for the petitioner and of M/s.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, while admitting the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner by the Judicial Magistrate Court, Devakottai in C.C.No.131 of 2017, dated 26.05.2023, which was confirmed in Criminal Appeal No.58 of 2023, dated 09.09.2024, by the learned Principal Sessions Judge, Sivagangai, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1214 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.172 of 2016, came to be registered by the respondent police as against the accused for the offence under Sections 294(b), 325 and 506(2) of IPC.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.131 of 2017 on the file of the Judicial Magistrate Court, Devakottai.

4. The learned counsel appearing for the petitioner submitted that the petitioner



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has been convicted by the trial Court on 26.05.2023, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 325 of IPC, and he was acquitted by the trial Court for the offence under Sections 294(b) and 506(2) of IPC.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.58 of 2023 on the file of the learned Principal Sessions Judge, Sivagangai. By a judgment, dated 09.09.2024, the learned Principal Sessions Judge, Sivagangai partly allowed the appeal by modifying the conviction and sentence imposed by the Judicial Magistrate Court, Devakottai in C.C.No.131 of 2017 dated 26.05.2023. Accordingly, the sentence imposed as against the accused by the trial Court was reduced from two years of simple imprisonment to one year of simple imprisonment and the fine amount already ordered by the trial Court was confirmed. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.



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7. The learned Additional Public Prosecutor appearing for the respondent has not raised any serious objection to this petition.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(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 Judicial Magistrate Court, Devakottai, Sivagangai District.

(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



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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/-
26/11/2024

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

MKN

TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI
- 4 THE SUB INSPECTOR OF POLICE,
THIRUVEGAMPATTUR POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE SECTION OFFICER,
CRIMINAL RECORD SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI



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WLB COPY +1. C.C. to A.ARPUTHARAJ Advocate SR.No.14547(I) dated 26/11/2024

ORDER
IN
CRL.M.P(MD).No.12678 of 2024
in
CRL.R.C(MD).No.1214 of 2024
Date :26/11/2024

PSP/ VR /SAR /03.12.2024/ 6P/ 8C

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