



CRL MP(MD) No.13097 of 2024

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

Tuesday, the Third day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.13097 of 2024

in

CRL RC(MD) No.1285 of 2024

RAJIV GANDHI

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE,
CHATHIRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 44/2011.)

... 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 passed in the Judgment of Conviction and Sentence dt.31.07.2024 in CrI.A No.06/2024 on the file of the Learned District Judge, Ramanathapuram confirming the Judgment of Conviction and Sentence dt.21.12.2023, on the file of the learned Judicial Magistrate, Paramakudi in C.c.No.97 of 2012, pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 1285/ 2024 :

To call for the records relating to the Judgment of Conviction and Sentence dt.31.07.2024 in CrI A No.06/2024 on the file of the learned Principal Sessions Judge, Ramanathapuram confirming the Judgment and Conviction and Sentence dt.21.12.2023, on the file of the learned Judicial Magistrate, Paramakudi, in C.C.No.97 of 2012 and set aside the same.



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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.V.R.SHANMUGANATHAN, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner by the learned Judicial Magistrate, Paramakudi in C.C.No.97 of 2012, dated 21.12.2023, which was confirmed in Criminal Appeal No.6 of 2024, dated 31.07.2024, by the learned Principal Sessions Judge, Ramanathapuram, pending disposal of the Criminal Revision Case in Crl.R.C.(MD) No.1285 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.44 of 2011, came to be registered by the respondent police as against the accused for the offence under Sections 279, 337, 338 and 304(A) 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.97 of 2012 on the file of the learned Judicial Magistrate, Paramakudi.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 21.12.2023, and the trial Court sentenced him to undergo simple imprisonment for a period of three months for the



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offence under Section 279 of IPC, and to undergo rigorous imprisonment for a period of three months each for the offence under Section 338 of IPC (3 counts), and to undergo rigorous imprisonment for a period of one year for the offence under Section 304(A) of IPC, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.6 of 2024 on the file of the learned Principal Sessions Judge, Ramanathapuram. The learned Principal Sessions Judge, Ramanathapuram by confirming the said conviction and sentence, dismissed the appeal on 31.07.2024. 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.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side)



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record.

appearing for the respondent, and has also perused the materials available on

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, Paramakudi.

(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/-
03/12/2024

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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 Principal Sessions Judge,
Ramanathapuram.
- 2.The Judicial Magistrate,
Paramakudi.
- 3.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 4.The Inspector of Police,
Chathirakudi Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.13097 of 2024
in
CRL RC(MD) No.1285 of 2024
Date :03/12/2024

ED/ VR /SAR- (17/12/2024) 6P / 7C

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