



CRL MP(MD) No.19 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Fourth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.19 of 2024
in
CRL RC(MD) No.5 of 2024

RAMAKRISHNAN

... REVISION PETITIONER/
APPELLANT/ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.6/2007).

... 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 conviction passed in the Judgment made in C.A.No.64 of 2018 on the file of the Learned Additional District and Sessions Judge, Srivilliputtur dt.13.07.2023 confirming the Judgment passed in C.C.No.1 of 2013 on the file of the learned Judicial Magistrate No.II, Sattur dated 07.05.2018 pending disposal of the criminal revision.

Prayer in CRL RC(MD). 5/ 2024 :

To call for the records and set aside the conviction order passed in the Judgment made in C.A.No.64 of 2018 on the file of the Learned Additional District and Sessions Judge, Srivilliputtur dated 13.07.2023 confirming the Judgment passed in C.C.No.1 of 2013 on the file of the learned Judicial magistrate No.II, Sattur dated 07.05.2018 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 Mr.R.KARUNANIDHI, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Revision.,, the Court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Additional District and Sessions Judge, Srivilliputtur, in C.A.No.64 of 2018 dated 13.07.2023 and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.6 of 2007 on the file of the respondent/Inspector of Police, All Women Police Station, Sivakasi, for the offences punishable under Sections 498(A), 494, 506(1) of IPC and the same was taken on file in C.C.No.1 of 2013 before the learned Judicial Magistrate No.II, Sattur. The petitioner was convicted and sentenced to two years simple imprisonment and fine of Rs.2,000/- with three months simple imprisonment in case of default. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the Additional District and Sessions Judge, Srivilliputtur in C.A.No.64 of 2018 and the same was also dismissed on 13.07.2023. Challenging the concurrent findings, the petitioner has preferred the present Criminal Appeal along



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with the above Miscellaneous Petition seeking suspension of sentence. Learned counsel for the petitioner further submitted that P.W2 to P.W7 witnesses were the relatives of P.W.1 and no independent witnesses have been examined and the prosecution failed to corroborate the evidence of prosecution witnesses and accordingly, learned counsel prays for suspension of sentence.

3. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that since it is purely a matrimonial dispute between the parties, he has no objection for allowing this petition.

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

5. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the *prima facie* view that the sentence is to be suspended pending this Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge, Srivilliputtur, in C.A.No.64 of 2018 dated 13.07.2023 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



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learned Additional District and Sessions Judge, Srivilliputtur.

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ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Srivilliputtur, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iii) 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.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Additional District and Sessions Judge, Srivilliputtur.

7. Subject to the above conditions, this Petition is allowed.

sd/-

04/01/2024

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/01/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

RM

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.II
SATTUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-173[I] dated 04/01/2024)

ORDER
IN
CRL MP(MD) No.19 of 2024
in
CRL RC(MD) No.5 of 2024
Date :04/01/2024
(1/2)

SS/JGB/SAR- /09/01/2024/5P/7C

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