



CRL MP(MD) No.13826 of 2024

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

Monday, the Sixteenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.13826 of 2024

in

CRL RC(MD) No.1368 of 2024

PANDI

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 28/2007.)

... 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 conviction and sentence imposed upon the petitioner vide Judgement dated 04.07.2024 made in C.A.No.16 of 2021, on the file of the Principal Sessions Judge, Sivagangai confirmed the Judgment of conviction dated 23.07.2021 made in C.C. No.134 of 2007 on the file of the Additional District Munsif cum Judicial Magistrate, Manamadurai and enlarge the petitioner on bail pending disposal of the criminal revision case in the interest of justice.

Prayer in CRL RC(MD). 1368/ 2024 :

To call for the records and set aside the judgment dated 04.07.2024 made in C.A.No.16 of 2021, on the file of Principal Sessions Judge, Sivagangai whereby confirmed the judgment of conviction dated 23.07.2021 made in C.C.No.134 of 2007, on the file of the Additional District Munsif cum Judicial Magistrate, Manamadurai.



CRL MP(MD) No.13826 of 2024

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.SENTHIL MURUGAN, 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 imposed against the petitioner by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in C.C.No.134 of 2007 dated 23.07.2021, which was confirmed in Criminal Appeal No.16 of 2021, dated 04.07.2024, by the learned Principal Sessions Judge, Sivagangai pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1368 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.28 of 2007, came to be registered by the respondent police as against the accused for the offence under Sections 279 and 337 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.134 of 2007 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 23.07.2021, and the trial Court sentenced the accused to pay a fine of Rs.1,000/- (Rupees One Thousand only), in



CRL MP(MD) No.13826 of 2024

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default, to undergo simple imprisonment for a period of one month for the offence under Section 279 of IPC, and to undergo simple imprisonment for a period of six months for the offence under Section 338 of IPC, and to undergo simple imprisonment for a period of one year for each count for the offence under Section 304(A) of IPC (2 counts).

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.16 of 2021 on the file of the learned Principal Sessions Judge, Sivagangai. By a judgment, dated 04.07.2024, the learned Principal Sessions Judge, Sivagangai, by confirming the said conviction and sentence, dismissed the appeal. 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 the petitioner is in custody from 16.11.2024. He also submitted 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



CRL MP(MD) No.13826 of 2024

the petitioner and hence, he opposed to grant suspension of sentence.

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8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) 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, and also considering the period of incarceration suffered by the petitioner, 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 learned Additional District Munsif cum Judicial Magistrate, Manamadurai.



CRL MP(MD) No.13826 of 2024

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(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 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/-
16/12/2024

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16/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

To

1.The Principal Sessions Judge,
Sivagangai.

2.The Additional District Munsif cum Judicial Magistrate,
Sivagangai.

3.Do through the Chief Judicial Magistrate,
Sivagangai District.



CRL MP(MD) No.13826 of 2024

4.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.

5.The Superintendent,
Central Prison, Madurai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-15490[I] dated 16/12/2024)
ORDER
IN
CRL MP(MD) No.13826 of 2024
in
CRL RC(MD) No.1368 of 2024
Date :16/12/2024

ED/ /SAR- (16/12/2024) 6P / 9 C
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