



CRL MP(MD) No.12619 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12619 of 2024

IN

CRL RC(MD) No.1203 of 2024

VELAYUTHAM

... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

CRIME NO.6/2020.

... RESPONDENT/ RESPONDENT/ COMPLAINANT

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 upon the petitioner in Crl A No.57/2023 dt.21.03.2024 on the file of Principal Sessions Court, Ramanathapuram which is confirmed in judgement passed in CC No.49/2021 dated 27.10.2023 on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram pending disposal of above Criminal Revision.

Prayer in CRL RC(MD). 1203/ 2024 :

To call for records in Crl A No.57/2023 dt.21.03.2024 on the file of Principal Sessions Court, Ramanathapuram which is confirmed in Judgment passed in CC No.49/2021 dt.27.10.2023 on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram set aside the same and allow this Revision.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.SUSIKUMAR,

<https://www.hmc.tn.gov.in/judis>



CRL MP(MD) No.12619 of 2024

Advocate for the petitioner and of MR.R.M.ANBUNITHI, Additional Public Prosecutor 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/ A1 by the Judicial Magistrate, Additional Mahila Court, Ramanathapuram in C.C.No.49 of 2021, dated 27.10.2023, which was confirmed in Criminal Appeal No.57 of 2023, dated 21.03.2024, by the learned Principal Sessions Judge, Ramanathapuram, pending disposal of the Criminal Revision Case in Crl.R.C. (MD)No.1203 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.6 of 2020, came to be registered by the respondent police as against the accused for the offence under Sections 147, 148, 294(b), 324, 326 of IPC read with Section 4 of TNPHW Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.49 of 2021 on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram.

4. The learned counsel appearing for the petitioner/A1 submitted that the petitioner/ A1 has been convicted by the trial Court on 27.10.2023, and the trial Court sentenced him to undergo simple imprisonment for a period of six months for the offence under Section 324 of IPC, and to undergo simple imprisonment for a period



CRL MP(MD) No.12619 of 2024

WEB COPY

of two years and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of two weeks for the offence under Section 326 of IPC, and the sentences were ordered to run concurrently. He was acquitted for the offence under Sections 147, 148, 294(b)(2 counts) of IPC read with Section 4 of TNPHW Act.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.57 of 2023 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 21.03.2024. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case before this Court along with this Miscellaneous Petition seeking suspension of sentence.

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 Additional Public Prosecutor 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



CRL MP(MD) No.12619 of 2024

WEB COPY

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, Additional Mahila Court, Ramanathapuram.

(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



CRL MP(MD) No.12619 of 2024

(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/-
25/11/2024

/ TRUE COPY /

/12/2024

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

mkkn

TO

1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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



WEB COPY



CRL MP(MD) No.12619 of 2024

ORDER

IN

CRL MP(MD) No.12619 of 2024

IN

CRL RC(MD) No.1203 of 2024

Date :25/11/2024

RS/VR/SAR-(03.12.2024) 6P 6C

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