



CRL MP(MD) No.497 of 2024

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.497 of 2024

in

CRL RC(MD) No.39 of 2024

NAZAR AHMED @ NAZAR

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
NAGERCOIL,
KANYAKUMAR DISTRICT.
(CRIME NO.345/2009)

... 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 in S.C.No.93/2010 on the file of the Learned Chief Judicial Magistrate, Nagercoil dated 25.08.2011 and the same was modified in Crl.A.No.78 of 2011 by the Learned Fast Track Mahila Court, Nagercoil, Kanyakumari District dated 30.08.2016 till pending disposal of the Main Revision Petition.

Prayer in CRL RC(MD). 39/ 2024 :

To call for the records of the impugned order passed in S.C.No.93/2010 on the file of the Learned Chief Judicial Magistrate, Nagercoil dated 25.08.2011 and the same was modified in Crl.A.No.78/2011 by the Learned Fast Track Mahila Court, Nagercoil, Kanyakumari District dated 30.08.2016 and set aside the same as illegal.

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.A.SABUL KALAAM AZAD, Advocate for M/S.SPICY LAW FIRM for the



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petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying this Court to suspend the sentence imposed against him by the learned Fast Track Mahila Judge, Nagercoil, in CrI.A.No.78 of 2011 dated 30.08.2016 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by the learned counsel for the petitioner that due to a wordy quarrel, a case has been registered against the petitioner and another in Crime No.345 of 2009, on the file of the respondent/Inspector of Police, Kottar Police Station, Nagercoil, Kanyakumari District, for the offences punishable under Sections 147, 148, 324 and 307 of IPC and the same was taken on file in Cr.A.No.78 of 2011 before the learned Chief Judicial Magistrate, Nagercoil, which was subsequently transferred to learned Fast Track Mahila Judge, Nagercoil. The Revision Petitioner was convicted and sentenced to undergo Rigorous Imprisonment for five years and to pay a fine of Rs.3,000/- with three months Rigorous Imprisonment in case of default. Thereafter, the revision petitioner preferred an appeal against the conviction order and the appellate Court partially modified the conviction order and sentenced the revision petitioner to undergo Rigorous Imprisonment for two years. Against the said conviction and sentence, the petitioner has preferred the present revision.

3. The main grievance of the petitioner is that while the case was pending



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before the learned Chief Judicial Magistrate, Nagercoil, the petitioner and the defacto complainant had entered into a compromise and the same was communicated to the counsel on record, who led the case at that point of time. However, the same was not represented before the Court due to the death of the said counsel. Subsequently, the case was transferred to the Fast Track Mahila Court, Nagercoil. Thereafter, when the petitioner approached the passport office for re-issuance of his passport, he came to know about the conviction and sentence passed by the appellate Court i.e., the Fast Track Mahila Court, Nagercoil. Learned counsel further submitted that the Courts below failed to appreciate the fact that there is no reliable witnesses or evidences in respect of alleged scene of occurrence and there is no blood stained weapon or cloth produced before the Courts. Hence, the learned counsel prays for grant of suspension of sentence to the petitioner.

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

5. The petitioner has filed an affidavit in support of the petition. This Court has perused the same.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is of the prima facie view that the sentence is to be suspended pending this Revision Case.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Fast Track Mahila Judge, Nagercoil, in CrI.A.No.78 of 2011 dated 30.08.2016 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 learned Fast Track Mahila Judge, Nagercoil,.

ii) The petitioner shall appear and sign before the learned Fast Track Mahila Judge, Nagercoil, 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 appellate Court i.e., learned Fast Track Mahila Judge, Nagercoil.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
22/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDGE, FAST TRACK MAHILA COURT, NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE, NAGERCOIL.

3 THE INSPECTOR OF POLICE, KOTTAR POLICE STATION, NAGERCOIL,
KANYAKUMAR DISTRICT.

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

ORDER IN

CRL MP(MD) No.497 of 2024
in CRL RC(MD) No.39 of 2024

Date :22/01/2024

RS/JGB/SAR-(29.01.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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