



CRL MP(MD) No.13038 of 2024

WEB COPY 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.13038 of 2024

in

CRL RC(MD) No.1275 of 2024

S.M.ANTHONYMUTHU

... Petitioner / Petitioner

Vs

THE SUB INSPECTOR OF POLICE,

C.C.I.W, C.I.D,

NAGERCOIL.

(CRIME NO.1/1999.)

... 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 enlarge the petitioner/petitioner on bail suspending the sentence imposed upon him by judgment passed in C.A.No.87 of 2006 dated 04.10.2024 on the file of the Mahizha Fast Track Court, Nagercoil modifying the Judgment in C.C.No.66 of 2000 dated 15.03.2006 on the file of the Judicial Magistrate No.II, Tirunelveli, pending disposal of Criminal Revision Petition.



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Prayer in CRL RC(MD). 1275/ 2024 :

To call for the entire records relating to the Judgment passed in C.A.No.87 of 2006 dated 04.10.2024 on the file of the Mahizha Fast Track Court, Nagercoil, modifying the Judgment in C.C.No.66 of 2000 dated 15.03.2006 on the file of the Judicial Magistrate No.II, Tirunelveli and set aside the same.

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. PERUMAL .C.T, 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/A2 by the Judicial Magistrate No.II, Tirunelveli in C.C.No.66 of 2000, dated 15.03.2006, which was modified in Criminal Appeal No.87 of 2006, dated 04.10.2024, by the Mahizha Fast Track Court, Nagercoil, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1275 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.1 of 1999, came to be registered by the respondent police as against the accused for the offence under Sections 120(b), 408, 409, 467, 468 and 477 (A) of IPC.

3. The respondent, after completing the investigation, has filed the final report



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and the same was taken on file in C.C.No.66 of 2000 on the file of the Judicial

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Magistrate No.II, Tirunelveli.

4. The learned counsel appearing for the petitioner submitted that the petitioner/A2 has been convicted by the trial Court on 15.03.2006, and the trial Court sentenced him to undergo simple imprisonment for a period of 12 months and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 467 of IPC, and to undergo simple imprisonment for a period of 12 months and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 468 of IPC, and to undergo simple imprisonment for a period of 12 months and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 477(A) of IPC, and to undergo simple imprisonment for a period of 12 months and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 408 r/w Section 120(b) 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.87 of 2006 on the file of the Mahizha Fast



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Track Court, Nagercoil. By a judgment, dated 04.10.2024, the Mahizha Fast Track Court, Nagercoil dismissed the appeal by modifying the conviction and sentence imposed by the Judicial Magistrate No.II, Tirunelveli in C.C.No.66 of 2000 dated 15.03.2006. Accordingly, the sentences were reduced from 12 months of simple imprisonment to 6 months of simple imprisonment. 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. He further submitted that the fine amount, imposed on the petitioner, has been paid, and that the petitioner is the senior citizen, who is aged about 60 years.

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



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record.

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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 age of 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 Judicial Magistrate No.II, Tirunelveli.

(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



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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/-
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 Judge,
Mahizha Fast Track Court, Nagercoil.

2.The Judicial Magistrate No.II,
Tirunelveli.

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

4.The Sub Inspector of Police,
C.C.I.W. C.I.D.,
Nagercoil.

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



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Copy to:

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

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-14850[I] dated 03/12/2024)

ORDER
IN
CRL MP(MD) No.13038 of 2024
in
CRL RC(MD) No.1275 of 2024
Date :03/12/2024

ED/ GSV /SAR- (05/12/2024) 7P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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