



CRL MP(MD) No.12921 of 2024

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

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

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P(MD).No.12921 of 2024
in
CRL.R.C(MD).No.1258 of 2024

MANIKANDARAMAN

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 437/2015

... 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 on bail by suspending the sentence imposed upon him in Crl A No. 186 of 2023 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai by Judgment dt. 18.10.24 confirming the conviction and sentence imposed in C.C.No.18 of 2020 on the file of the Learned Judicial Magistrate, Fast Track Court(Magisteral Level), Pattukottai by Judgment dated 06.07.2023 and enlarge the petitioner on bail pending disposal of the main Criminal Revision.

Prayer in CRL RC(MD). 1258/ 2024 :

To call for the records and set aside the conviction and sentence imposed upon the petitioner herein in Crl A No. 186/2023 on the file of the Learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, Thanjavur District by Judgment dated 18.10.2024 confirming the Judgment dated 06.07.2023 in C.C.No.18 of 2020 on

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



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the file of the Learned Judicial Magistrate, Fast Track Court(Magisterial Level), Pattukottai, Thanjavur District and Acquit the petitioner herein of the Charges.

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.ILAYARAJA, 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 imposed against the petitioner by the Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District in C.C.No.18 of 2020, dated 06.07.2023, which was confirmed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai in Criminal Appeal No.186 of 2023, dated 18.10.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1258 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.437 of 2015, came to be registered by the respondent police as against the accused for the offence under Section 304(A) 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.18 of 2020 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 06.07.2023, and the trial Court sentenced him



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to pay a fine of Rs.1,000/- (Rupees One Thousand only), in 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 18 months and to pay a fine of Rs.7,000/- (Rupees Seven Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 304(A) of IPC.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.186 of 2023 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, Thanjavur District. The learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, Thanjavur District by confirming the said conviction and sentence, dismissed the appeal on 18.10.2024. 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.

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.

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8. This Court has carefully considered the submissions made by the learned 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, Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy



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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/-
02/12/2024

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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 III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, (MAGISTERIAL LEVEL),
PATTUKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-14766[I] dated 02/12/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL.M.P(MD).No.12921 of 2024
in
CRL.R.C(MD).No.1258 of 2024
Date :02/12/2024

SA/VR/SAR. /09.12.2024/6P/7C

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