



CRL MP(MD) No.13044 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.13044 of 2024
in
CRL RC(MD)No.1277 Of 2024

1 VEERAPANDI @ MUTHURAJA

2 KUMAR

3 TAMILARASI

... PETITIONERS/PETITIONERS

Vs

THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
THIRUPACHETI POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.87 OF 2014.

... 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 passed in the Impugned Judgment dated 13.09.2024 in Criminal Appeal NO.17/2017 passed by the Honble Fast Track Mahila Court, Sivagangai, confirming the Judgment dated 24.01.2017 in S.C.No.108/2016 passed by the Honble Chief Judicial Magistrate cum Assistant Sessions Court, Sivagangai till the disposal of this revision petition and enlarge the petitioners on bail.

Prayer in CRL RC(MD). 1277/ 2024 :

To call for the records pertaining to the Impugned Judgment dated 13.09.2024



CRL MP(MD) No.13044 of 2024

in Criminal Appeal NO.17/2017 passed by the Honble Fast Track Mahila Court, Sivagangai, confirming the Judgment dated 24.01.2017 in S.C.No.108/2016 passed by the Honble Chief Judicial Magistrate cum Assistant Sessions Court, Sivagangai 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 Mr.M.DINESH HARI SUDARSAN, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate(Crl.side) on behalf of the Respondent while admitting the Criminal Revision Petition., the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioners by the Chief Judicial Magistrate cum Assistant Sessions Court, Sivagangai in S.C.No.108 of 2016, dated 24.01.2017, which was confirmed in Criminal Appeal No.17 of 2017, dated 13.09.2024, by the Fast Track Mahila Court, Sivagangai, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1277 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.87 of 2014, came to be registered by the respondent police as against the accused for the offence under Sections 294(b), 324, 307, 341 of IPC.

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



CRL MP(MD) No.13044 of 2024

and the same was taken on file in S.C.No.108 of 2016 on the file of the Chief Judicial

WEB COPY

Magistrate cum Assistant Sessions Court, Sivagangai.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 24.01.2017, and the trial Court sentenced the accused as follows :

(i) the 1st accused is sentenced to undergo rigorous imprisonment for a period of five years for each count and to pay a fine of Rs.1,000/- (Rupees One Thousand only) for each count, in default, to undergo rigorous imprisonment for a period of six months for each count for the offence under Section 307 of IPC (2 counts); and

(ii) the 2nd and 3rd accused are sentenced to pay a fine of Rs.250/- (Rupees Two Hundred and Fifty only) each, in default, to undergo rigorous imprisonment each for a period of one month for the offence under Section 341 of IPC, and to undergo rigorous imprisonment each for a period of five years and to pay a fine of Rs.1,000/- (Rupees One Thousand only) each, in default, to undergo rigorous imprisonment each for a period of six months for the offence under Section 307 read with Section 34 of IPC, and the sentences were ordered to run concurrently, and they were acquitted by the trial Court for the offence under Sections 294(b) of IPC.



CRL MP(MD) No.13044 of 2024

WEB COPY

5. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in Criminal Appeal No.17 of 2017 on the file of the Fast Track Mahila Court, Sivagangai. By a judgment, dated 13.09.2024, the Fast Track Mahila Court, Sivagangai, by confirming the said conviction and sentence, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioners have 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 petitioners that the petitioners have voluntarily surrendered on 16.11.2024 and are in custody till date. 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 the petitioners 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.13044 of 2024

counsel for the petitioners 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 petitioners 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 petitioners, this Court is of the considered view that the petitioners herein are 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 petitioners 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, Manamadurai.



CRL MP(MD) No.13044 of 2024

WEB COPY

(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 petitioners 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

/ TRUE COPY /

03/12/2024
Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

- 1 THE FAST TRACK MAHILA JUDGE,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
CUM ASSISTANT SESSIONS JUDGE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
THIRUPACHETI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



CRL MP(MD) No.13044 of 2024

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

COPY TO:

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-14851[I] dated
03/12/2024)

ORDER
IN
CRL MP(MD) No.13044 of 2024
in
CRL RC(MD)No.1277 Of 2024
Date :03/12/2024

SS/SAR- /03/12/2024/ 7P/9C

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