



CRL.M.P(MD).No.13163 of 2024

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

Wednesday, the Fourth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P(MD).No.13163 of 2024  
in  
CRL.R.C(MD).No.1294 of 2024

1 SARAVANAN

2 THAVAKUMAR

3 TAMILARASAN

4 CHINNAPPA

... PETITIONERS/PETITIONERS

Vs

THE STATE OF TAMILNADU  
REP BY THE INSPECTOR OF POLICE,  
CSCID UNIT,  
SIVAGANGAI POLICE STATION.  
CRIME NO.98 OF 2019.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the conviction and sentence dated 06.11.2024 made in C.A.No.66 of 2022 on the file of the Learned Principal Sessions Judge, Sivagangai by confirming the conviction and sentence of the petitioners in C.C.No.302 of 2022 dated 29.11.2022 on the file of the Learned Chief Judicial Magistrate, Sivagangai and enlarge the petitioner on bail.



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Prayer in CRL RC(MD). 1294/ 2024 :

To call for the records pertaining to the judgment dated 06.11.2024 made in C.A.No.66 of 2022 on the file of the Learned Principal Sessions Judge, Sivagangai by confirming the conviction and sentence of the petitioners in C.C.No.302 of 2022 dated 29.11.2022 on the file of the Learned Chief Judicial Magistrate, Sivagangai and to set aside the same.

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.V.SASI KUMAR, Advocate for the petitioners 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 petitioners by the learned Chief Judicial Magistrate, Sivagangai in C.C.No.302 of 2022, dated 29.11.2022, which was confirmed in Criminal Appeal No.66 of 2022, dated 06.11.2024, by the learned Principal Sessions Judge, Sivagangai pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1294 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.98 of 2019, came to be registered by the respondent police as against the accused for the offence under Section 6(4) of TNSC (RDCS) Order 1982 read with Section 7(1)(a)(ii) of EC Act, 1955.

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

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



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and the same was taken on file in C.C.No.302 of 2022 on the file of the learned Chief  
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Judicial Magistrate, Sivagangai.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 29.11.2022, and the trial Court sentenced the each accused to undergo simple imprisonment for a period of one year and 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 6(4) of TNSC (RDCS) Order 1982 read with Section 7(1)(a)(ii) of EC Act, 1955.

5. Challenging the above said conviction and sentence, the petitioners have preferred an appeal in Criminal Appeal No.66 of 2022 on the file of the learned Principal Sessions Judge, Sivagangai. By a judgment, dated 06.11.2024, the learned Principal Sessions Judge, 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 there are several



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infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. He also submitted that the fine amount imposed on the petitioners has been paid.

7. The learned Additional Public Prosecutor 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 counsel for the petitioners 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 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, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.



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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 learned Judicial Magistrate No.I, Sivagangai.

(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/-  
04/12/2024

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/12/2024

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

mkn  
TO

1.THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2.THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI



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3.THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI

4.THE INSPECTOR OF POLICE,  
CSCID UNIT, SIVAGANGAI POLICE STATION.

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

+1 CC to M/s.V.SASI KUMAR, Advocate ( SR-14937[I] dated 04/12/2024 )

ORDER IN  
CRL.M.P(MD).No.13163 of 2024  
in  
CRL.R.C(MD).No.1294 of 2024  
Date :04/12/2024

RK/GSV(17/12/2024) 6P /7C

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