



CRL MP(MD) NO. 13388 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 13388 of 2024

IN

CRL RC(MD) NO. 1321 OF 2024

Kumar @ Thavasikumar
S/o. Amalraj, Vairavikinaru,
Radhapuram Taluk,
Tirunelveli District.

...Petitioner

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No. 247/2013.

...Respondent

For Petitioner:

MR.C. Susikumar, Advocate

For Respondent:

Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner by the District Munsif cum Judicial Magistrate Court,



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Radhapuram in C.C.No.15 of 2019, dated 12.10.2023, which was modified in Criminal Appeal No.183 of 2023, dated 25.10.2024, by the III Additional District Sessions Court, Tirunelveli pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1321 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.247 of 2013, came to be registered by the respondent police as against the accused for the offence under Sections 341, 294(b) and 506(2) 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.15 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Radhapuram.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 12.10.2023, and the trial Court sentenced the accused to undergo simple imprisonment for a period of one month and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of seven days for the offence under Section 341 of IPC, and to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo simple imprisonment for a period of two months for the offence under Section 506(1) of IPC. He was acquitted by the trial Court for the offence under Section 294(b) of IPC.



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5. Challenging the above said conviction and sentence, the petitioner has preferred appeal in Criminal Appeal No.183 of 2023 on the file of the III Additional District Sessions Court, Tirunelveli. By a judgment, dated 25.10.2024, the learned III Additional District Sessions Judge, Tirunelveli partly allowed the appeal by modifying the sentence imposed by the District Munsif cum Judicial Magistrate Court, Radhapuram in C.C.No.15 of 2019 dated 12.10.2023. Accordingly, the sentence imposed on the petitioner for the offence under Section 506(1) of IPC was reduced from one year of simple imprisonment to six 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.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner, and the petitioner is already having 40 previous cases. Hence, he opposed to grant suspension of sentence.



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8. In reply, the learned counsel for the petitioner submitted that most of the cases are agitation cases, for which the petitioner has paid fine amounts and the cases have been closed.

9. 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 record.

10. 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.

11. 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 District Munsif cum Judicial Magistrate Court, Radhapuram.



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(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 petitioner shall appear before the trial Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
10/12/2024

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/01/2025

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

mkn

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RADHAPURAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE III ADDITIONAL DISTRICT SESSIONS JUDGE, TIRUNELVELI

4. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.



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

ORDER
IN
CRL MP(MD) NO. 13388 of 2024
IN
CRL RC(MD) NO. 1321 OF 2024
Date :10/12/2024

RK/VR(06/01/2025) 6P / 6C

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