



CRL MP(MD) No.17615 of 2023

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

Friday, the Twenty Third day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.17615 of 2023

in

CRL RC(MD)No. 1388 of 2023

1 P.MANSUR

2 KATHIJA BEHAM ... PETITIONERS/PETITIONERS (ACCUSED NO.2 & 3)

Vs

**THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TENKASI.**

IN CRIME NO.21/2017.

... 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 of imprisonment imposed on the petitioners by learned Additional Sessions Judge, Tenkasi in CA No.63/2022 dated 08.11.2023 confirmed the judgment by the learned Judicial Magistrate, Tenkasi in CC No.356/2018 dated 13/09/2022 and enlarge the petitioner on bail. Pending disposal of the above said Criminal Revision Petition.



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Prayer in CRL RC(MD). 1388/ 2023 :

To call for the records from the lower courts and set aside the judgment of the appellate court passed by learned Additional Sessions Judge, Tenkasi in CA No.63/2022 dated 08.11.2023 confirming the judgment of learned Judicial Magistrate, Tenkasi in C.C.No. 356 of 2018 dated 13/09/2022 by allowing this Revision Petition.

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.SIVA SURIA NARAYANAN.S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in C.A.No.63 of 2022, dated 08.11.2023, on the file of the learned Additional Sessions Judge, Tenkasi, and to enlarge the petitioner on bail, till the disposal of this Criminal Revision.

2. The learned counsel for the petitioners submits that based on a petition filed by the first informant/P.W.1 under Section 156(3) of Cr.P.C., the respondent police registered a case in Crime No.21 of 2017 against the petitioners under Section 498A, 494, 106, 294 (b) and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 and the same was taken on file in C.C.No.356 of 2018 on the file of the learned Judicial Magistrate, Tenkasi. The petitioners were convicted



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by the learned Judicial Magistrate, Tenkasi, for the offences punishable under Sections 147, 498A and 506(i) of IPC and sentenced them to undergo 2 weeks simple imprisonment for the offence under Section 147 of IPC and to pay a fine of Rs.1,000/- with the default conditional clause and to undergo 2 years simple imprisonment for the offence under Section 498A of IPC along with a fine of Rs.1,000/- with default conditional clause and insofar as Section 506(i) of IPC is concerned, the trial Court sentenced them to undergo 2 weeks simple imprisonment along with a fine amount of Rs.1,000/- with the default conditional clause. The petitioners have preferred an appeal before the learned Principal Sessions Court, Tirunelveli which was made over to the learned Additional Sessions Judge, Tenkasi. The appellate Court has also confirmed the order of the trial Court. Aggrieved against the same, the petitioners filed the present revision along with the suspension of sentence petition.

3. The learned counsel for the petitioners submitted that the Court below failed to appreciate the fact that the prosecution has not examined the independent witnesses even though there are many people gathered at the time of occurrence. Since the petitioner/A2 is the only breadwinner, due to his incarceration, the entire family is suffering. Learned counsel further submitted that there are some arguable points involved in the criminal appeal and therefore, he prays for grant of suspension of sentence to the petitioners.



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4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional Sessions Judge, Tenkasi, in C.A.No.63 of 2022 dated 08.11.2023 alone is suspended, subject to the following conditions:-

i) Each 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 Additional Sessions Judge, Tenkasi;

ii) The petitioners shall appear and sign before the learned Additional Sessions Judge, Tenkasi, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iii) In case, if the petitioners are unable to appear before the Court on the first



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working day of a month, he shall appear on the next working day.

iv) The petitioners shall furnish their residential address and mobile number to the appellant Court i.e., the learned Additional Sessions Judge, Tenkasi.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
23/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE ADDITIONAL SESSIONS JUDGE
TENKASI.
- 2 THE JUDICIAL MAGISTRATE,
TENKASI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TENKASI.



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

ORDER
IN
CRL MP(MD) No.17615 of 2023
in
CRL RC(MD)No. 1388 of 2023
Date :23/02/2024

PKP/GS/SAR /28.02.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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