



CRL MP(MD) NO. 14023 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 14023 of 2024

IN

CRL RC(MD) NO. 1387 OF 2024

Senthil

S/o. Chinnaian,

Middle Street, Aathangaraipatti Village,

Orathanadu Taluk, Thanjavur District.

Petitioner(s)

Vs

The State of Tamil Nadu,

Rep. by The Special Sub Inspector of Police,

Orathanadu Police Station,

Thanjavur District.

(Cr. No. 114 of 2018)

Respondent(s)

For Petitioner(s): Mr.M.Karunanithi

For Respondent(s): 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 learned District Munsif cum Judicial Magistrate, Orathanadu in C.C.No.80 of 2018, dated 18.04.2023, which was confirmed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai in Criminal Appeal No.59 of 2024, dated 07.12.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1387 of 2024.



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2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.114 of 2018, came to be registered by the respondent police as against the accused for the offence under Sections 294(b), 323 and 427 of IPC read with Section 4 of TNPWH Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.80 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Orathanadu.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 18.04.2023, and the trial Court sentenced him 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 week for the offence under Section 323 of IPC, and to undergo simple imprisonment for a period of two years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 354 of IPC. He was acquitted by the trial Court for the offence under Sections 294(b) and 427 of IPC.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.59 of 2024 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai. The learned III



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Additional District and Sessions Judge, Thanjavur @ Pattukottai, by confirming the said conviction and sentence, dismissed the appeal on 07.12.2024. 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 Government Advocate (Criminal Side) 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.

8. 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.

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



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petitioner herein is 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 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, Orathanadu.

(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 learned District Munsif cum Judicial Magistrate, Orathanadu 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/-

20/12/2024

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/01/2025

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

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TO

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ORATHANADU.

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

3 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI.

4 THE SPECIAL SUB INSPECTOR OF POLICE, ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

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Date :20/12/2024

RS/GSV/SAR-(21.01.2025) 5P 6C

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