



CRL MP(MD) NO. 14020 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. 14020 of 2024

IN

CRL RC(MD) NO. 1386 OF 2024

Mahendran

S/o. Chellaiah, Sethupathi Nagar, Uchupuli, Enmanamkondan,
Ramanathapuram.

Petitioner(s)

Vs

The State of Tamilnadu

Rep. by The Inspector of Police,

Sayalkudi Police Station, Ramanathapuram District.

(Crime No. 82/2016)

Respondent(s)

For Petitioner(s):

K.Dinesh, Advocate

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, Kadaladi in C.C.No.223 of 2019, dated 22.01.2024, which was confirmed in Criminal Appeal No.10 of 2024, dated 28.06.2024, by the learned Principal Sessions Judge, Ramanathapuram pending disposal of the Criminal Revision Case in Crl.R.C.

<https://www.mysir.gov.in/judis>



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(MD)No.1386 of 2024.

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2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.82 of 2016, came to be registered by the respondent police as against the accused for the offence under Sections 279, 338 and 304(A) 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.223 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 22.01.2024, and the trial Court sentenced him to pay a fine of Rs.1,000/- each (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 279 of IPC, and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 338 of IPC, and 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 three months for the offence under Section 304 (A) of IPC, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.10 of 2024 on the file of the learned



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Principal Sessions Judge, Ramanathapuram. By a judgment, dated 28.06.2024, the learned Principal Sessions Judge, Ramanathapuram, by confirming the said conviction and sentence, dismissed the appeal. 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



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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.

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 learned Judicial Magistrate, Kadaladi.

(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/-
20/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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MKN

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION, RAMANATHAPURAM
DISTRICT.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.DINESH, Advocate (SR-15819[I] dated 20/12/2024)

ORDER

IN

CRL MP(MD) No.14020 of 2024

Date :20/12/2024

SA/GSV/SAR. /07.01.2025/5P/8C

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