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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1415 of 2025

IN

CRL RC(MD) NO. 133 of 2025

V.Amutha

W/o.Vivegamani,

K.K.Patti, Uthamapalayam Taluk,

Theni District.

... Petitioner /Petitioner/ Appellant/

Accused No.4

Vs

The State of Tamilnadu

Rep by The Inspector of Police,

Rayappanpatti Police Station,

Theni District.

Crime No.8 of 2006.

... Respondent /Respondent/Respondent/

Complainant

For Petitioner : Mr.Muthu Vijaya Pandian.P, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner/A4 by the learned Judicial Magistrate, Uthamapalayam, Theni District in C.C.No.122 of 2007, dated 21.12.2022, which was confirmed in Criminal Appeal No.8 of 2023, dated 22.11.2024, by the learned Additional District (Fast Track) Court, Theni pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.133 of 2025.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.8 of 2006, came to be registered by the respondent police as against the accused for the offence under Section 420 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.122 of 2007 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 21.12.2022, and the trial Court sentenced the



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petitioner/A4 to undergo simple imprisonment for a period of three 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 420 of IPC.

5. Challenging the above said conviction and sentence, the petitioner/A4 has preferred an appeal in Criminal Appeal No.8 of 2023 on the file of the learned Additional District (Fast Track) Court, Theni. By a judgment, dated 22.11.2024, the learned Additional District (Fast Track) Court, Theni dismissed the appeal by confirming the conviction and sentence imposed by the learned Judicial Magistrate, Uthamapalayam, Theni District in C.C.No.122 of 2007 dated 21.12.2022. 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. He has also submitted that the fine amount of Rs.5,000/- (Rupees Five Thousand only) imposed on the petitioner has been paid.



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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 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 :



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(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, Uthamapalayam, Theni District.

(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/-
31/01/2025

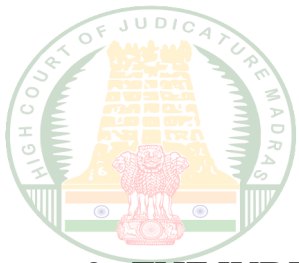
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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE ADDITIONAL DISTRICT (FAST TRACK)JUDGE,
THENI.



2 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

3 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION(RECORDS),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(for Call for Records)

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-1278[I] dated
31/01/2025)

ORDER IN
CRL MP(MD) No.1415 of 2025
IN CRL.R.C.(MD).No.133 OF 2025
Date :31/01/2025

ES/VR/SAR /25.02.2025/6P/8C

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