



CRL MP(MD) No. 14198 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No. 14198 of 2023
in CRL RC(MD) No. 1113 of 2023

Kadarkarai
S/o.Perumalsamy, Samiyar Colony Vazhlavanthalpuram,
Sattur, Virudhunagar District.
Now he is confined at Central Prison, Madurai.

Petitioner

Vs

The Inspector of Police
Sattur Town Police Station, Virudhunagar District.

Respondent

For Petitioner(s):

Mr. Mayil Vahana Rajendran

For Respondent(s):

Mrs.M.Aasha,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Virudunagar District at Srivilliputhur, in C.A.No.77 of 2018 vide judgment, dated 11.01.2023, confirming the order of the learned Assistant Sessions Judge, Sivakasi, in S.C.No.197 of 2009, vide judgment dated 14.06.2018 pending the disposal of the criminal revision.

2.The case of the prosecution is that the defacto complainant is working as

Commissioner of Sattur Municipality and the accused were friends of one Murugan,

<https://www.mhc.tn.gov.in/judis>



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who used to participate in the auction of certain properties of the Municipality; that there arose some dispute between the parties with regard to the auction held therein, due to which, on 23.04.2009 at about 04.00 pm when the defacto complainant was in his office, the accused had illegally trespassed into the Municipal Office, abused the defacto complainant in filthy language and attacked with sickle and knife and caused grievous injuries. A case was registered in Crime No.387 of 2009 and after investigation, Charge sheet has been filed and the same was taken on file in S.C.No.197 of 2009 on the file of the learned Assistant Sessions Judge, Sivakasi. After trial, the petitioner was convicted by the trial Court for the offence under Section 452 IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo two months simple imprisonment; for the offence under Section 307 IPC sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo two months simple imprisonment and for the offence under Section 332 IPC sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo two months simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in C.A.No.77 of 2018 on the file of the Principal District and Sessions Judge, Virudhunagar District. The learned Sessions Judge, Virudhunagar, confirming the conviction and sentence,



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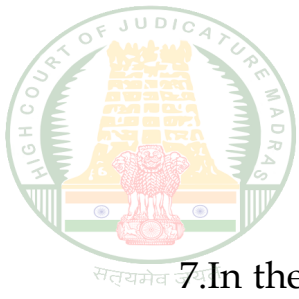
dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the
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petitioner has preferred the present Criminal Revision along with the instant
miscellaneous petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is in prison from 16.06.2023 and that the petitioner has paid the fine amount. He would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also 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 and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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7. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (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 Assistant Sessions Judge, Sivakasi ;
- (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 the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

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24/03/2025

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE ASSISTANT SESSIONS JUDGE,
SIVAKASI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL MP(MD) No.14198 of 2023
IN
CRL RC(MD) No.1113 of 2023
Date :24/03/2025

SA/SAR. /24.03.2025/5P/6C

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