



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

Tuesday, the Fourteenth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) Nos.10346 & 10347 of 2017

IN

CRL A(MD) No.454 of 2017

ARULJOTHI VALAVAN

... PETITIONER/APPELLANT

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT
CRIME NO.183/2015

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by Learned Additional District and Sessions Judge/Presiding Officer-Special Court for EC Act and NDPS Act Cases, Pudukkottai in S.C.No.100/2015 by the Judgement dated 10/11/2017 and enlarge the petitioner/Appellant on bail, pending disposal of the above said Crl.A

Prayer in CRL MP(MD). 10347/ 2017 :

To Stay the operation of the order dated 10/11/2017 passed by the Learned Additional District and Sessions Judge/Presiding Officer-Special Court for EC Act and NDPS Act Cases, Pudukkottai in S.C.No.100/2015 pending disposal of the above said Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.RAMESHKUMAR, Advocate for the petitioner and of MR.K.S.DURAI PANDIAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A, the court made the following order:-

The accused No.1 in S.C.No.100 of 2017, on the file of the learned Additional District and Sessions Judge/Presiding Officer-Special Court for EC Act and NDPS Act Cases, Pudukkottai, while challenging the order of conviction and sentence dated 10.11.2017, seeks appeal bail under Section 389(2) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Under Section 304 (ii) of IPC	3 Years R.I. + Fine Rs.1,01,000/- i/d. 6 Months R.I.
Under Section 357 (1) (b) of IPC	Fine amount of Rs.1,00,000/- is to be paid as compensation to the deceased wife.

3. Fine amount has been paid and proof of payment has also been filed along with this appeal papers.

4. The learned counsel for the appellant submitted that the Trial Court has also suspended the sentence as per order passed in Cr.M.P.No.2421 of 2017 till 08.12.2017. He would further submit that the appellant is having arguable points in this appeal and he is having a prima facie case.

5. The learned counsel for the appellant submitted that the case of the prosecution is that the injured was taken into the Government Hospital, Pudukkottai and thereafter, for taking further treatment, the injured was taken to the Government Hospital, Thanjavur from there, the injured died. The Doctor of the said Hospital has not stated about the admission of the injured in the said Hospital and P.W.1 was taken to Pudukkottai Government Hospital for treatment and she was brought by the deceased in this case. Hence, at that time, it is stated that the deceased was alive. He further submitted that the complaint given by the deceased was suppressed by the prosecution.

6. The appellant filed a petition to stay the order passed by the Trial Court for paying the compensation to P.W.2, out of the fine amount paid by the appellant.

7. The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the appellant is not having any prima facie case in this appeal. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension since the Trial Court itself suspended the sentence for a particular period.

8. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal.

7. On considerations, ordered as under:

<https://hcservices.ecourts.gov.in/hcservices/>

(i) Appeal bail granted.



(ii) Substantial sentence alone is suspended on condition that the appellant shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the learned Additional District and Sessions Judge/ Presiding Officer - Special Court for EC Act and NDPS Act Cases, Pudukkottai.

(iii) The appellant shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

9.The payment of compensation as ordered by Trial Court is also stayed till the disposal of this appeal.

sd/-
14/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER, SPECIAL
COURT FOR EC ACT AND NDPS ACT CASES,
PUDUKKOTTAI
- 2 THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+2. C.C. to M/S.D.RAMESHKUMAR Advocate SR.Nos.34347, 34348

ORDER
IN
CRL MP (MD) Nos.10346
10347 of 2017
IN
CRL A (MD) No.454 of 2017
Date :14/11/2017