



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

Wednesday, the Twentieth day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.11516 of 2017
IN
CRL A(MD) No.509 of 2017

ANBU @ ANBALAGAN

... PETITIONER/APPELLANT/SINGLE ACCUSED

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
OOMATCHIKULAM DIVISION, IN CR.NO.111/16,
ON THE FILE OF THE OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

... RESPONDENT/RESPONDENT/COMPLAINANT

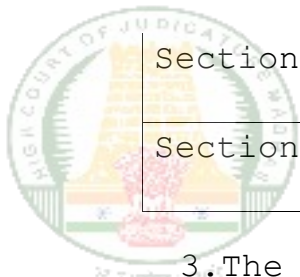
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the petitioner/appellant/accused in Spl.S.C.No.20 of 2017, dated 21.11.2017 on the file of the learned III Additional District and Sessions Court (PCR), Madurai and enlarge petitioner on bail till the disposal of the appeal and thus render justice.

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

This Criminal Miscellaneous Petition has been filed by the Petitioner / sole accused / Appellant, praying to suspend the sentence of imprisonment imposed on him by the III Additional District and Sessions Court, (PCR), Madurai, in its order dated 21.11.2017 in Spl.C.C.No.20 of 2017 pending disposal of the above Criminal Appeal.

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

Conviction	Sentence
Section 451 of IPC	one year R.I. + Fine of Rs.500/- i/d one month S.I.
Section 354-A(ii) of IPC	3 years R.I. + Fine of Rs.1,000/*- i/d 3 months S.I.



Section 354 of IPC	3 years R.I. + Fine of Rs.1,000/- i/d 3 months S.I.
Section 506(ii) of IPC	2 years R.I. + Fine of Rs.500/-i/d 2 months S.I.

3.The above sentences are ordered to be run concurrently. Against the order of the Trial Court, the petitioner / appellant preferred the present appeal before this Court. The petitioner preferred a petition before the Trial Court for seeking suspension of sentence imposed by the Trial Court and the Trial Court has also suspended the sentence till 22.09.2017. Fine amount has been paid by the petitioner / appellant and copy of the receipt is also produced.

4.The learned counsel appearing for the petitioner / appellant submitted that the place of occurrence is not proved by the prosecution and the evidence of P.Ws.10 & 11 are totally contradictory with the evidence of P.W.1. The delay in registering the FIR was not properly explained by the prosecution and no independent witness was examined. He further submitted that the petitioner / appellant is having arguable points in this appeal and he is having a prima facie case in his favour and the petitioner.

5.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 petitioner / appellant is not having any prima facie case in the 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.

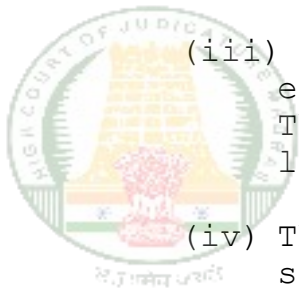
6.This Court heard the submissions made by the learned counsel appearing for the petitioner / appellant and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record, including the impugned Judgment of the Court below.

7.Considering the above facts and circumstances of the case, this Court is of the view that there are certain arguable points involved in this Criminal Appeal and they are required to be examined in detail in the main Appeal. I see prima facie case in favour of the petitioner / appellant, for grant of an order of suspension.

8.On considerations, ordered as under:-

(i) Appeal bail granted.

(ii) Sentence of imprisonment ordered by the trial Court alone is suspended, till the disposal of the



(iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each to the satisfaction of the learned Judicial Magistrate, Melur.

(iv) The petitioner / appellant shall appear before the said Court on the first working day of every month at 10.30 am., until further orders.

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sd/-
20/12/2017

/ TRUE COPY /

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

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), MADURAI.
- 2 THE JUDICIAL MAGISTRATE, MELUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
OOMATCHIKULAM DIVISION,
ON THE FILE OF THE OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.VENKATESWARAN Advocate SR.No.36639

ORDER
IN
CRL MP(MD) No.11516 of 2017
IN
CRL A(MD) No.509 of 2017
Date :20/12/2017

MKV-VR-SAR 4/20.12.2017/3P-7C