



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

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.12415 of 2016
IN
CRL A(MD) No.476 of 2016

G. LAKSHMINARAYANAN

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP.
INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI,
CR NO.95 OF 2009.

... RESPONDENT/RESPONDENT/
COMPLAINANT

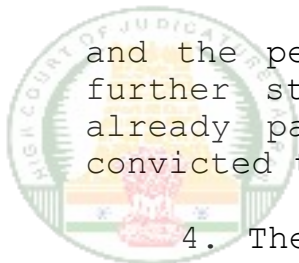
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order of Suspension of sentence and conviction imposed upon me under section 324 of IPC to undergo rigorous imprisonment for a period of three years and also imposed a fine Rs.5000/- and in default of payment of fine to undergo the simple imprisonment for a period of three Months by the Judgment in S.C. No. 299 of 2010 dated 29.11.2016 by the Learned IV Additional District and Sessions Judge Madurai till the disposal of the above Criminal Appeal and pass such further other orders as this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.SARAVANAN, Advocate for the petitioner and of MR.P.KANDASAMY Government Advocate (Crl.Side) for the Respondent the court made the following order:-

The learned counsel for the petitioner/appellant is present and the learned Government Advocate(Crl.Side) for the respondent is also present and heard.

2. On perusal of the records would show that this Court vide order dated 20.12.2016 has extended interim order of Suspension of Sentence to the petitioner till 22.03.2017, which was ordered by the trial Court.

3. The learned counsel for the petitioner states that there are several legal infirmities in the evidence adduced by the prosecution



and the petitioner is having *prima facie* case in the Appeal. He further states that fine amount imposed by the trial Court was already paid by the petitioner herein and the trial Court has convicted the accused under Section 324 of I.P.C., alone.

4. The learned Government Advocate(Crl.Side) appearing for the respondent states that the trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution and the petitioner/appellant is not having any *prima facie* case in the Appeal. It is admitted that the trial Court has already suspended the sentence of imprisonment and the said order has been extended by this Court, as per order dated 20.12.2016 and thereafter, it is being extended till then by this Court. He further states that he has no objection to extend the interim order of suspension of sentence till the date of disposal of the appeal.

5. Considering the above facts and circumstances of the case and also grounds of Appeal raised in the memorandum of Appeal and also the Judgment of the trial Court, this Court is inclined to suspend the sentence of imprisonment alone, till the disposal of the Criminal Appeal.

6. Accordingly, this Criminal Miscellaneous petition is allowed and the interim appeal bail and suspension of sentence already extended by this Court on 20.12.2016, is made absolute, as per the following terms:-

- (i) Appeal bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner 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 Judicial Magistrate No.V, Madurai.
- (iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
22/03/2017

/ TRUE COPY /

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

PMU
TO

1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MADURAI.

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

3 THE JUDICIAL MAGISTRATE NO.V, MADURAI.



4 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

6 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI.

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+1. C.C. to M/S.S.SARAVANAN Advocate SR.No.17214

GJM/BS/SAR-4-3.4.17-3P-8C

ORDER

IN

CRL MP (MD) No.12415 of 2016

IN

CRL A (MD) No.476 of 2016

Date :22/03/2017