



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

Wednesday, the Twenty First day of June Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.5258 of 2017
IN
CRL A (MD) No.185 of 2017

VEERAMUTHU

... PETITIONER/APPELLANT

Vs

1 STATE REP BY
THE ASSISTANT COMMISSIONER
TALLAKULAM (L&O) DIVISION,
MADURAI CITY MADURAI

2 STATE REP BY
THE INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION,
MADURAI CITY,
CRIME NO.413/2015

... RESPONDENTS/RESPONDENTS

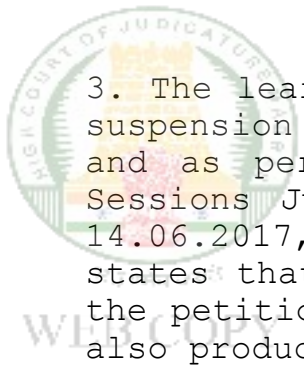
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence of Imprisonment imposed by the learned III-Additional District and Sessions Judge (PCR), Madurai in Spl. S.C.No.41 of 2016 by the judgment dated 14.06.2017 and enlarge the Petitioner/ Appellant on bail, pending disposal of the abovesaid Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MAHENDRAPATHY, Advocate for the petitioner and of MR.C.MAYIL VAHANARAJENDRAN, Additional Public Prosecutor for Respondents the court made the following order:-

The petitioner is the accused in Spl.S.C.No.41 of 2016 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, dated 14.06.2017.

2. After trial, the petitioner has been convicted and sentenced as under:-

Conviction	Sentence
294 (b) of IPC	Rs.500/- fine i/d. 7 days SI
324 of IPC	1 year RI + Rs.1,000/- fine i/d one month SI



3. The learned counsel appearing for the petitioner states that the suspension of sentence petition was also ordered by the trial Court and as per the order passed by the III Additional District and Sessions Judge (PCR), Madurai, in CrI.M.P.No.1274 of 2017, dated 14.06.2017, the sentence was suspended till 29.06.2017. He further states that the fine imposed by the trial Court was also paid by the petitioner herein and the receipt of payment of fine amount was also produced.

4. The learned counsel appearing for the petitioner further states that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. There is *prima facie* case in favour of the petitioner. He also submitted that the petitioner is having arguable points in this appeal and he is having *prima facie* case.

5. Mr. C. Mayil Vahana Rajendran, learned Additional Public Prosecutor appearing for the respondents states that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner and there is no *prima facie* case in favour of the petitioner herein, however, he has not raised any serious objection to grant the order of suspension in favour of the petitioner, since the suspension of sentence was ordered by the trial Court.

6. 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:-

(i) Appeal bail granted.

(ii) Substantive sentence of imprisonment alone is suspended till the disposal of appeal, 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 III Additional District and Sessions Judge (PCR), Madurai.

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

sd/-
21/06/2017

/ TRUE COPY /



TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE (PCR), MADURAI

2 THE ASSISTANT COMMISSIONER
TALLAKULAM (L&O) DIVISION,
MADURAI CITY MADURAI

3 THE INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION, MADURAI CITY,

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

5 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.S.MAHENDRAPATHY Advocate SR.No.24782

ORDER

IN

CRL MP (MD) No.5258 of 2017

IN

CRL A (MD) No.185 of 2017

Date :21/06/2017

SMA/CM-MSA/SAR-3/27.06.2017:2P/7C