



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

Friday, the Fourteenth day of July Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.6134 of 2017

IN

CRL A(MD) No.236 of 2017

SAVARIMUTHU

... PETITIONER / APPELLANT /
SOLE ACCUSED

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE
PARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.88/2012
RESPONDENT

... 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 and grant bail to the petitioner/appellant convicted in S.C.No.170/2013 on the file of the Learned Mahalir Neethi Mandram, Sessions Court (Mahila Fast Track Court) Srivilliputhur dated 28/06/2017 pending disposal of the main 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.AR.JEYA RHUTHRAN, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent this court while admitting the Criminal Appeal made the following order:-

The petitioner/sole accused stood convicted for the offence punishable under Section 452 IPC in S.C.No.170 of 2013 on the file of the Mahalir Neethi Mandram, Sessions Court (Mahila Fast Track Court) Srivilliputhur and sentenced to undergo one year rigorous imprisonment and imposed a fine of Rs.1,000/-, in default to undergo one month simple imprisonment; he was also convicted under Section 307 IPC and sentenced to undergo seven years rigorous imprisonment and imposed a fine of Rs.3,000/-, in default, to undergo one month simple imprisonment. Challenging the conviction and sentence passed by the trial Court, the present Criminal Appeal has been filed. Pending appeal, the petitioner has filed the application seeking suspension of sentence.



2. Heard Mr. AR. Jeya Rhuthran, learned Counsel appearing for the petitioner and Mr. C. Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

3. The learned counsel appearing for the petitioner submitted that the injured witness (PW2) is the petitioner's wife and there was a quarrel between the petitioner/appellant and PW2, suspecting fidelity of PW2. It is further submitted that PW1, mother of PW2, and another independent witness PW4 have admitted in their evidence about that and on the date of occurrence, due to sudden provocation, the occurrence has taken place and there are arguable points in favour of the petitioner.

4. Considering the facts and circumstances of the case and also considering that there are arguable points in the case, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

5. In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/sole accused alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs. 10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Aruppukottai with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-
14/07/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE ,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE JUDGE,
MAGALIPPETTHI MANDRAM,
SESSIONS COURT (MAHILA FAST TRACK COURT)
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT



4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

5 THE INSPECTOR OF POLICE
PARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT,

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.AR.JEYA RHUTHRAN Advocate SR.No.26511

ORDER
IN
CRL MP(MD) No.6134 of 2017
IN
CRL A(MD) No.236 of 2017
Date :14/07/2017

mj
SVA/PM/PN/17.07.2017/SAR3/3P.8C