



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

Tuesday, the Eighteenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.6246 of 2017
IN
CRL A (MD) No.250 of 2017

ARAVIND

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPARANKUNDRAM SUB DIVISION,
PERUNGUDI POLICE STATION, MADURAI DISTRICT,
CRIME NO.195/2014

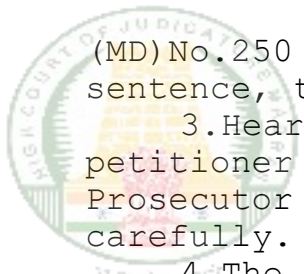
... RESPONDENT/COMPLAINT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.60/2016 dated 03/07/2017 on the file of the III Additional District and Sessions Judge, (PCR Act Cases) Madurai and enlarge him on bail pending disposal of the above 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.M.SUBASH BABU, Advocate for the appellant 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 petition has been filed praying to suspend the sentence imposed against the petitioner/sole accused in S.C.No.60 of 2016 by the learned III Additional District and Sessions Judge, (PCR Act Cases), Madurai.

2.The petitioner stood charged for an offence under Sections 294(b), 341, 307 IPC r/w Section 3(2) (v) of SC/ST Act. The trial Court convicted the petitioner under Section 324 I.P.C r/w Section 3 (2)(v-a) of SC/ST Act and sentenced him to undergo three years rigorous imprisonment and imposed a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment. He was also convicted by the trial court under Section 341 I.P.C and sentenced to undergo one month simple imprisonment and imposed a fine of Rs.500/-, in default, to undergo seven days simple imprisonment. He was also convicted by the trial court under Section 294(b) I.P.C by imposing a fine of Rs.500/-, in default, to undergo seven days simple imprisonment. All the sentences were ordered to run concurrently. Against the conviction and sentence passed by the trial Court, Crl.A



(MD)No.250 of 2017 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.

3.Heard Mr.M.Subash Babu, the learned Counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner submitted that there are injuries found on the accused, which was admitted by P.W.1 and P.W.10 (Investigating Officer). The above injury was not explained by the prosecution. It creates a doubt upon the prosecution case and the prosecution has suppressed the origin and genesis of the case.

5.I have considered the materials available on record.

6.Considering the facts and circumstances of the case and since there are some arguable points involved in the appeal and it may take long time for taking up the appeal for hearing, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

7.In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner 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 learned III Additional District and Session Judge, (PCR Act Cases), Madurai with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-

18/07/2017

/ TRUE COPY /

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

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSION JUDGE,
(PCR ACT CASES), MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPARANKUNDRAM SUB DIVISION,
PERUNGUDI POLICE STATION, MADURAI DISTRICT,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.26826

ORDER IN

CRL MP(MD) No.6246 of 2017 IN

CRL A(MD) No.250 of 2017

Date :18/07/2017

MKV-PM-PN-SAR 2/20.7.2017/2P-5C

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