



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

Tuesday, the Eighth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.7133 of 2017
IN
CRL A (MD) No.307 of 2017

BALAMURUGAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.860/2015

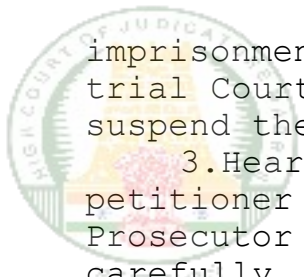
... RESPONDENT/RESPONDENT

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 conviction made in the Judgement in S.C.No.87/2017 on the file of the Learned IV Additional Sessions Judge, Tirunelveli dated 29/06/2017 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.A.S.VAIGUNTH, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This petition has been filed praying to suspend the sentence imposed against the petitioner/accused No.1 in S.C.No.87 of 2017 by the IV Additional Sessions Court, Tirunelveli.

2. The petitioner stood charged for an offence under Sections 341, 323, 506(ii) of IPC, Section 4 of Tamil Nadu Prevention of Women Harassment Act, 2002 and Section 3 of TNPPDL Act. The trial Court convicted the petitioner under Section 341 of IPC and imposed a fine of Rs.500/-, in default, to undergo one week simple imprisonment. He was also convicted for the offence under Section 323 of I.P.C. and was imposed a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment and also convicted for the offence under Section 4 of the Tamil Nadu Prevention of Women Harassment Act, 2002 and sentenced to undergo three years rigorous imprisonment and was imposed a fine of Rs.10,000/- in default, to undergo three months rigorous imprisonment. He was also convicted by the trial court under Section 3 of TNPPDL Act and sentenced to undergo four years rigorous imprisonment and imposed a fine of Rs.1,000/-, in default, to undergo three months rigorous



imprisonment. Against the conviction and sentence passed by the trial Court, CrI.A(MD)No.307 of 2017 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.

3.Heard A.S.Vaigunth, 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 material contradictions in the evidence of P.Ws.1 and 2 and except the interested witnesses viz., P.Ws.1 & 2, no independent witness has been examined. The Court below relying upon the above interested witnesses, convicted the petitioner. The learned counsel further submitted that the petitioner has been in custody from 29.06.2017. He further submitted that the co-accused/A2 has already been released on bail by this Court by an order, dated 12.07.2017 in CrI.M.P.(MD).No.6003 of 2017 in CrI.A.(MD).No.232 of 2017.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been released on bail and that 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.

6.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 Judicial Magistrate No.I, Tirunelveli 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/-

08/08/2017

/ TRUE COPY /

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

TO

- 1 THE IV ADDITIONAL SESSION JUDGE, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 3 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.THALAIMUTHARASU Advocate SR.No.28331

ORDER IN

CRL MP(MD) No.7133 of 2017 IN

CRL A(MD) No.307 of 2017

Date :08/08/2017