



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

Wednesday, the Ninth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.7191 of 2017
IN
CRL A(MD) No.310 of 2017

SURESH

... PETITIONER/APELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.157/2011

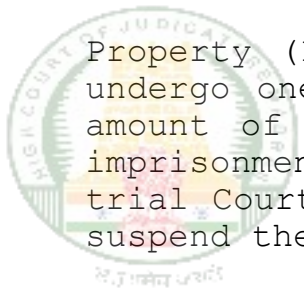
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in Sessions Case no.122/2012 on the file of the Learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District by judgement dated 17/07/2017 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.THIRUVADI KUMAR, 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/sole accused in S.C.No.122 of 2012 by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District.

2.The petitioner is the sole accused in S.C.No.122 of 2012 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District, who stood charged for an offence under Sections 294(b), 324, 506(ii) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act. The trial Court convicted the petitioner under Section 294(b) I.P.C and sentenced him to undergo three months rigorous imprisonment; the petitioner was also convicted for an offence under Section 324 I.P.C and sentenced to undergo six months rigorous imprisonment; he was also convicted for an offence under Section 506 (ii) I.P.C and sentenced to undergo one year rigorous imprisonment and for an offence under Section 3(1) of the Tamil Nadu Public



Property (Prevention of Damage and Loss) Act, he was sentenced to undergo one year rigorous imprisonment and was imposed with a fine amount of Rs.2,000/-, in default, to undergo three months simple imprisonment. Against the conviction and sentence passed by the trial Court, CrI.A(MD)No.310 of 2017 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.

3. Heard Mr.A.Thiruvadi Kumar, 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 lot of contradictions in the evidence of eye witnesses. The petitioner is a neighbour and apart from that, all the eye witnesses are interested witnesses. No independent witness has been examined to corroborate the evidence of interested witnesses. The trial court, without considering the evidence available on record without proper perspective, convicted and sentenced the petitioner/appellant.

5. Considering the facts and circumstances of the case and since there are some arguable points involved in the appeal and it may take a long time for taking up the appeal for hearing, I am constrained 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 Judicial Magistrate, Kumbakonam 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/-

09/08/2017

/ TRUE COPY /

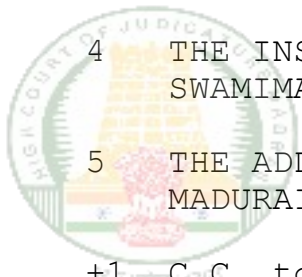
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
KUMBAKONAM, THANJAVUR DISTRICT.

2 THE JUDICIAL MAGISTRATE, KUMBAKONAM.

3 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



4 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION, THANJAVUR DISTRICT.

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

+1. C.C. to M/S.A.THIRUVADI KUMAR Advocate SR.No.28434

WEB COPY

ORDER
IN
CRL MP(MD) No.7191 of 2017
IN
CRL A(MD) No.310 of 2017
Date :09/08/2017

MKV-CM-MSA-SAR 2/10.8.2017/2P-7C