



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

Tuesday, the Twenty Second day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.7581 of 2017
IN
CRL A (MD) No.325 of 2017

CHINNAVAN @ MUNEESWARAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
RAMESWARAM SUB-DIVISION,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 234/2012

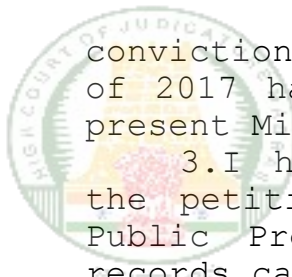
... RESPONDENT/RESPONDENT

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 Special in S.C.No.93/2015 dated 27/06/2017 on the file of the Learned Principal District and Sessions Judge, Ramanathapuram 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.S.CHINNAIAN, 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 Spl.S.C.No.93 of 2015, dated 27.06.2017, by the learned Principal District and Sessions Judge, Ramanathapuram.

2.The petitioner is the sole accused in Spl.S.C.No.93 of 2015, on the file of the learned Principal District and Sessions Judge, Ramanathapuram, who stood charged for the offence under Sections 294 (b), 324, 427 and 324 of IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The trial Court convicted the petitioner under Section 324 IPC., (2 counts) and sentenced him to undergo three years rigorous imprisonment and imposed a fine of Rs.2500/- for each count, in default, to undergo two months simple imprisonment and the petitioner was also convicted under Section Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced to undergo five years rigorous imprisonment and imposed a fine of Rs.25,000/-, in default, to undergo three months simple imprisonment. Against the



conviction and sentence passed by the trial Court, Crl.A(MD)No.325 of 2017 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.

3.I have heard Mr.S.Chinnaian, learned Counsel appearing for the petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner submitted that PW1 and PW2 are the injured witnesses. Eventhough 11 witnesses were examined, the independent eyewitnesses PW3, PW6, PW7 and PW9 were turned hostile. Apart from that there are lot of contradictions in the evidence of PW1 and PW2. Without considering the same, relying upon the interested evidence of PW1 and PW2, the trial Court convicted the petitioner for the offences as stated above.

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 a long time for taking up the appeal for hearing, I am constrained 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 Principal District and Sessions Judge, Ramanathapuram, 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/-

22/08/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
RAMESWARAM SUB-DIVISION, UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.L.PRABHU Advocate SR.No.29039

ORDER IN
CRL MP(MD) No.7581 of 2017 IN
CRL A(MD) No.325 of 2017
Date :22/08/2017