



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr Justice P.N.PRAKASH**

CRL MP (MD) No.1163 of 2018

IN

CRL A (MD) No.79 of 2018

1 SARAVANAN

2 M.MARIMUTHU

... PETITIONERS/ APPELLANTS

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,  
UTCHUPULI POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CRIME NO.123 OF 2007.

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the Sentence of Imprisonment imposed by the Additional District and Sessions Court, Ramanathapuram in S.C.No.162 of 2017 by the Judgment dated 06.02.2018, enlarge the petitioner/appellant on bail, pending disposal of the above said Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.KARUPPASAMY PANDIYAN, Advocate for the petitioners and of M/S.S.BHARATHI, Government Advocate(Crl.Side) on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

It is seen that three accused faced prosecution in S.C.No.162 of 2010 before the Principal District and Sessions Judge (FTC, Mahila Court), Ramanathapuram for the offences under Sections 364, 302 r/w 34, 404, 120(b) and 201 I.P.C. It appears that on the date of judgment, Al Pandidurai absconded and therefore, the case against him has been split up as S.C.No.14 of 2018 and the judgment has been pronounced in S.C.No.162 of 2010 on 06.02.2018 as against the petitioners herein.

2.The petitioners have been convicted for the offence under Section 120(b) I.P.C. and sentenced to undergo two months simple imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo two weeks simple imprisonment and the petitioners have also



been convicted for the offence under Section 201 I.P.C. and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- each, in default to undergo six months simple imprisonment.

3. The learned counsel for the petitioners submitted that the petitioners have paid the fine amount and the Trial Court has suspended the sentence under Section 389(1) Cr.P.C.

4. The learned counsel for the petitioners has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners that there are several infirmities in the prosecution case in respect of the petitioners and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on their executing a fresh bond for a sum of Rs.30,000/- (Rupees thirty thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge (FTC, Mahila Court), Ramanathapuram and on further condition that:

(i) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioners shall appear before the Trial Court on the first working day of every month until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-  
16/02/2018

/ TRUE COPY /

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



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE  
(FTC, MAHILA COURT), RAMANATHAPURAM.

2. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
RAMANATHAPURAM.

3. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.

5. THE INSPECTOR OF POLICE,  
UTCHUPULI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. C.C. to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.2629

ORDER

IN

CRL MP (MD) No.1163 of 2018

IN

CRL A (MD) No.79 of 2018

Date :16/02/2018

**MS/CM/SAR.3/20.02.2018/3P.8C**