



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.385 of 2018
IN
CRL A(MD) No.34 of 2018

G.GOPALSAMY

... APPELLANTS/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE ASSISTANT SUPERINTENDENT OF POLICE,
MANNARGUDI SUB DIVISION,
THANJAVUR DISTRICT.
(MANNARGUDI TOWN POLICE STATION)
CRIME NO.101/2016

... RESPONDENT/COMPLAINANT

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 passed by the Learned I Additional District & Sessions Judge (PCR), Thanjavur made in S.S.C.No.106 of 2016 dated 19.12.2017 pending disposal of the above Criminal Appeal and thus render justice.

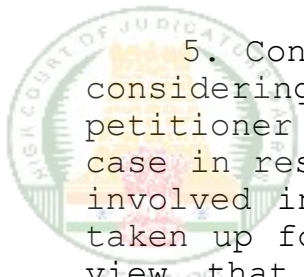
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.W.PAMELIN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting CRL A the court made the following order:-

It is seen that the petitioner has been convicted by the learned First Additional District and Sessions Judge (PCR), Thanjavur, in S.S.C.No.106 of 2016, on 19.12.2017, for the offences under Sections 406 and 417 of the Indian Penal Code and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to suffer further imprisonment of three months for each offence.

2. In the petition, the petitioner has prayed for suspension of conviction also. In the opinion of this Court, in a case of this nature, suspension of conviction cannot be granted and, therefore, that prayer stands rejected.

3. As regards the suspension of sentence, the learned counsel for the petitioner submitted that the petitioner has paid the fine amount and the Trial Court has suspended the sentence under Section 389(3) Cr.P.C., for a period of one month.

4. The learned counsel for the petitioner 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 petitioner that there are several infirmities in the prosecution case in respect of the petitioner 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 petitioner herein is entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mannargudi and on further condition that:

- (i) the petitioner 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 petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he 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/-

18/01/2018

/ TRUE COPY /

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

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
THANJAVUR.
 - 2 THE JUDICIAL MAGISTRATE NO.I, MANNARGUDI.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 4 THE ASSISTANT SUPERINTENDENT OF POLICE,
MANNARGUDI SUB DIVISION, THANJAVUR DISTRICT.
(MANNARGUDI TOWN POLICE STATION)
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.W.PAMELIN Advocate SR.No.898

ORDER IN
CRL MP(MD) No.385 of 2018 IN
CRL A(MD) No.34 of 2018
Date :18/01/2018