



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

Monday, the Twenty Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3163 of 2018
IN
CRL RC(MD) No.242 of 2018

P. PONNUSAMY

... PETITIONER / REVISION PETITIONER

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
DHALAVAIPURAM, VIRUDHUNAGAR DISTRICT,
CRIME NO.207/2005

... RESPONDENT / RESPONDENT

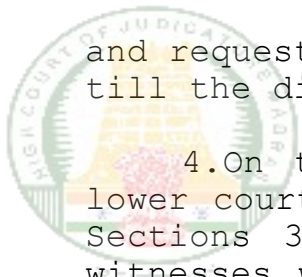
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner by the Learned Principal District and Session Court, Virudhunagar at Srivilliputhur in Criminal Appeal No.144/2012 dated 11/12/2017 confirming the judgement and sentence imposed upon the petitioner in C.C.No.51/2006 dated 17/09/2012 by the Learned Judicial Magistrate, Rajapalayam pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.G.THALAIMUTHARASU, Advocate for the petitioner and of Mr.SUYAMBULINGA BHARATHI Govt. Advocate (Crl. Side) on behalf of the Respondents ,while admitting the CRL RC., the court made the following order:-

This Criminal Revision Petition is filed to suspend the sentence imposed by the learned Principal District and Sessions Court, Virudhunagar at Srivilliputhur in Criminal Appeal No.144 of 2012 dated 11.12.2017, confirming the judgment and sentence imposed upon the petitioner in C.C.No.51 of 2006 dated 17.09.2012 by the learned Judicial Magistrate, Rajapalayam, till the disposal of the revision petition.

2.Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondent.

3.On the side of the petitioner, it is stated that the petitioner is having valid reasons for this court to reconsider the order passed by the learned Principal District and Sessions Judge



and request the sentence imposed upon the petitioner to be suspended till the disposal of the revision petition.

4. On the side of the respondent, it is stated that both the lower courts considered the petitioner's guilty of an offence under Sections 304(A), 279 and 337 (10 counts) of IPC. As many as 12 witnesses were examined in this case and opposed the suspension of sentence.

5. Records perused. An opportunity is to be given to the petitioner to put forth his case and this court is inclined to suspend the sentence till the disposal of the revision petition, on the following grounds.

6. In view of the representation made by the learned counsel appearing for the petitioner, the substantive sentence of imprisonment is suspended and the petitioner is ordered to be released on bail, till the disposal of the revision petition, 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, Rajapalayam and on further condition that:

- (i) 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/-

23/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR



3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR

4 THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
DHALAVAIPURAM, VIRUDHUNAGAR DISTRICT,

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

das

JAM/27/04/2018/ RR/VK/ 3p-6c

ORDER

IN

CRL MP (MD) No.3163 of 2018

IN

CRL RC (MD) No.242 of 2018

Date :23/04/2018