



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

Thursday, the Seventeenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL MP (MD) No.3608 of 2018

IN

CRL A (MD) No.235 of 2018

GANAPATHY

... PETITIONER/APELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
JAIHINDPURAM B6 (L&O) POLICE STATION,
MADURAI CITY.
(CR.NO.603/2006)

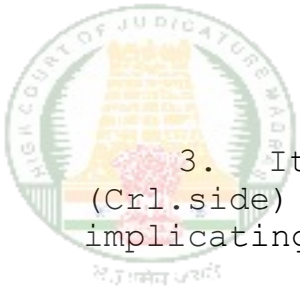
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned V Additional District and Sessions Judge, Madurai in SC.No.167/2012 by the Judgement dated 23/04/2018 and enlarge the petitioner/appellant on bail 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.MAHENDRAPATHY, Advocate for the petitioner and of MR.PRABHU RAMACHANADRAN, Government Advocate(Crl.Side) on behalf of the Respondents, while admitting the Crl.A, the court made the following order:-

The petitioner has been convicted by the learned V Additional District and Sessions Judge, Madurai in S.C.No.167 of 2012 and sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for 2 months for an offence under Section 394 r/w. 397 of I.P.C. and sentenced to undergo simple imprisonment for 3 years and to pay a fine of Rs.2,500/-, in default to undergo simple imprisonment for 1 month for an offence under Section 450 of I.P.C.. All the sentences were ordered to run concurrently. Against which, the petitioner has filed the criminal appeal and in order to suspend the sentence, the present Miscellaneous Petition is filed.

2. It is submitted by the learned counsel for the petitioner that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.



3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record for implicating the petitioner herein.

4. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars between the evidence of prosecution witnesses and there are arguable points involved in this appeal and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned V Additional District and Sessions Judge, Madurai and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. pending disposal of the appeal.

sd/-
17/05/2018

/ TRUE COPY /

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

TO

1 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MADURAI.

2 THE INSPECTOR OF POLICE,
JAIHINDPURAM B6 (L&O) POLICE STATION,
MADURAI CITY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>

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



+1. C.C. to M/S.S.MAHENDRAPATHY Advocate SR.No. 8766

WEB COPY

ORDER

IN

CRL MP (MD) No.3608 of 2018

IN

CRL A (MD) No.235 of 2018

Date :17/05/2018

JM/SV MMS/GSR/21.05.2018/3P/6C