



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.3616 of 2018
IN
CRL RC (MD) No.265 of 2018

P.JOHN DEVARAJ

... PETITIONER/ PETITIONER

Vs

1 C.KUMARADHAS

2 STATE REP.BY

THE PUBLIC PROSECUTOR

KANYAKUMARI DISTRICT AT NAGERCOIL,

KANYAKUMARI DISTRICT.

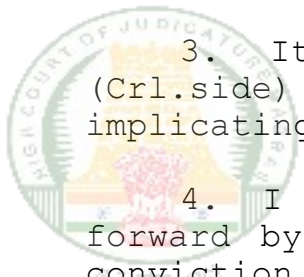
... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the Judgement dated 11/05/2006 made in C.C.No.485/2002 on the file of the Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District confirmed as per the Judgement dated 27/02/2018 in Criminal Appeal No.119/2006 on the file of the Sessions Court, Kanyakumari District at Nagercoil and enlarge the petitioner 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.R.MURUGAN, Advocate for the petitioner, the court made the following order:-

The petitioner has been convicted by the learned Judicial Magistrate No.II, Nagercoil in C.C.No.485 of 2002 and sentenced to undergo simple imprisonment for 6 months and to pay a fine of Rs.5000/- (Rupees Five Thousand Only) and in default, to undergo 2 months simple imprisonment for an offence under Section 138 of Negotiable Instruments Act. Further, the learned Sessions Judge, Kanyakumari District at Nagercoil in C.A.No.119 of 2006 has confirmed the conviction and sentence ordered by the trial Judge. Against which, the petitioner has filed the revision petition 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 revision and further the revision 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 revision 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 Judicial Magistrate No.II, Nagercoil and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending disposal of the revision.

sd/-
17/05/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SESSIONS JUDGE, KANYAKUMARI DISTRICT AT NAGERCOIL.
4. THE PUBLIC PROSECUTOR
KANYAKUMARI DISTRICT AT NAGERCOIL, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.MURUGAN Advocate SR.No.8725

ORDER IN
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IN
CRL RC (MD) No.265 of 2018
Date :17/05/2018