



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Eighteenth day of May Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL MP(MD) No.3767 of 2018

IN

CRL A(MD) No.250 of 2018

SIVARAMAN

... PETITIONER/APPELLANT/ACCUSED NO.3

Vs

STATE REP.BY

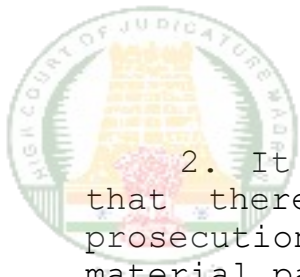
THE ASSISTANT COMMISSIONER OF POLICE(LAW & ORDER),
TALLAKULAM, MADURAI TOWN,
IN D2 SELLUR POLICE STATION,
(CRIME NO. 329 OF 2016)

... RESPONDENT/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 imposed on the petitioner by the Learned III Additional District and Sessions Court, (PCR) Madurai in Special Sessions Case No.82/2017 dated 18/04/2017 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.M.KANNAN, Advocate for the petitioner and of M/S.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

The petitioner has been convicted by the learned III Additional District and Sessions Court (PCR), Madurai in Special Sessions Case No.82 of 2017 and sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.250/-, in default to undergo 7 days simple imprisonment for an offence under Section 147 of I.P.C., and sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.1000/-, in default to undergo 1 month simple imprisonment for an offence under Section 324 r/w 149 I.P.C. and sentence of 6 months rigorous imprisonment and to pay a fine of Rs.250/- , in default to undergo 7 days simple imprisonment for the offence U/s. 323 r/w 149 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.

WEB COPY

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 she 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 III Additional District and Sessions Court (PCR), 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/-

18/05/2018

/ TRUE COPY /

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

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS COURT,
(PCR COURT), MADURAI.

2 THE ASSISTANT COMMISSIONER OF POLICE (LAW & ORDER),
TALLAKULAM, MADURAI TOWN,
IN D2 SELLUR POLICE STATION.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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

+1. C.C. to M/S.M.KANNAN Advocate SR.No.8874

WEB COPY

ORDER
IN
CRL MP (MD) No.3767 of 2018
IN
CRL A (MD) No.250 of 2018
Date :18/05/2018

JM/SV MMS/GSR/22.05.2018/3P/6C