



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

Friday, the Eighteenth day of May Two Thousand Eighteen
PRESENT

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

CRL MP(MD) No.3771 of 2018
IN CRL RC(MD) No.256 of 2018

M.SAKTHI @ SAKTHIVEL

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSEPCTOR OF POLICE,
RAILWAY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/ RESPONDENT

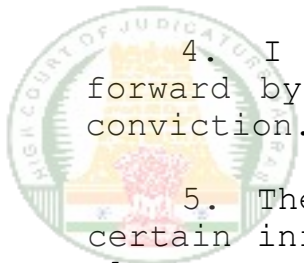
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment and fine imposed by the Judgment passed by the Learned Assistant Sessions Court, Ramanathapuram in S.C.No. 88 of 2007, dated 13/03/2015 confirmed by the judgment passed by the Learned Additional District and Sessions Judge, Ramanathapuram in C.A.No. 6 of 2015 dated 14/03/2018 and enlarge the petitioner on bail pending disposal of the Criminal Revision Petition 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.M.SARAVANAN, Advocate for the petitioner and of M/S.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted by the learned Assistant Sessions Judge, Ramanathapuram in S.C.No.88 of 2007 and sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh Only) and in default, to undergo 1 year simple imprisonment for an offence under Section 395 of I.P.C., Further, the learned Additional District and Sessions Judge, Ramanathapuram in C.A.No.6 of 2015 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 Chief Judicial Magistrate No.II, Ramanathapuram 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/-
18/05/2018

/ TRUE COPY /

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

TO

1. THE ASSISTANT SESSIONS JUDGE, RAMANATHAPURAM.
2. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
3. THE CHIEF JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.T.RAMESH RAJA, Advocate SR.No.8967

ORDER IN
CRL MP(MD) No.3771 of 2018
IN CRL RC(MD) No.256 of 2018
Date :18/05/2018

MS/PN/VK/18.05.2018/2P.8C

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