



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.3774 of 2018
IN CRL A(MD) No.107 of 2018

KUMAR @ RAMKUMAR

... PETITIONER/ 3rd APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 148/2015

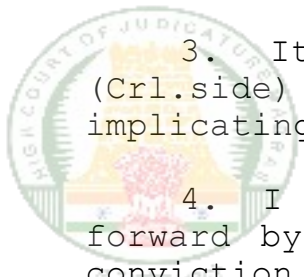
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an ORDER OF SUSPEND THE SENTENCE to suspend the sentence imposed on the Petitioner vide judgement dated 13.02.2018 made in S.C No. 47/2017 on the file of the Learned Additional District and Sessions Court Ramanathapuram pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.RAVICHANDRA RAMAVANNI, 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 Principal District and Sessions Judge, Ramanathapuram in S.C.No.47 of 2017 to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for 15 days for an offence under Section 147 of I.P.C., and sentenced to undergo rigorous imprisonment for 1 month and to pay a fine of Rs.2000/-, in default to undergo 15 days simple imprisonment for an offence under Section 451 I.P.C., and sentence of 2 years rigorous imprisonment and to pay a fine of Rs.20,000/- , in default to undergo 6 months simple imprisonment for the offence U/s. 304 I.P.C., Part II of I.P.C. 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.



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 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 appeal.

sd/-
18/05/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
2. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
3. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
5. THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.3774 of 2018
IN CRL A(MD) No.107 of 2018
Date :18/05/2018