



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

Monday, the Twenty Second day of October Two Thousand and Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.8376 of 2018

IN

CRL RC(MD) No.583 of 2018

MUTHUPANDI

... PETITIONER/APPELLANT/ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
NILAKOTTAI STATION,
DINDIGUL DISTRICT
IN CRIME NO.8 OF 2013

... 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 against me in C.A.NO.55 of 2017 dated 07/08/2018 and release the petitioner on bail till the disposal of the main criminal revision petition .

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mr.A.ROBINSON, Govt. Advocate (Crl.Side) for the Respondent, while admitting Crl.R.C, the court made the following order:-

The petitioner is the sole accused in C.C.No.61 of 2013 on the file of the learned Judicial Magistrate, Nilakkottai. By Judgment dated 06.04.2017, he has been convicted under Sections 279 and 304-A IPC and sentenced to pay fine of Rs.1,000/- in default to undergo one month simple imprisonment under Section 279 IPC and also sentenced to undergo one year simple imprisonment and to pay fine of Rs.5,000/- in default to undergo one month simple imprisonment under Section 304-A IPC. Challenging the same, he has filed an appeal in C.A.No.55 of 2017 on the file of the Additional Sessions Court, Dindigul and the lower appellate Court has confirmed the order of the Trial Court by Judgment dated 07.08.2018. Challenging the same, the petitioner is before this Court with Crl.R.C(MD)No.583 of 2018. Pending disposal of the same, the petitioner has come forward with this petition seeking suspension of substantive sentence of imprisonment.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the State and also perused the records carefully.

3. The learned counsel appearing for the petitioner would submit that fine amount has already been paid.

4. Since certain arguable points have been raised by the learned counsel for the petitioner, this Court is inclined to suspend the substantive sentence of imprisonment alone till the disposal of the revision.

5. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 Additional Sessions Court and on further condition that the petitioner shall report before the said Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

sd/-
22/10/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL SESSIONS JUDGE,
DINDIGUL.

2. THE INSPECTOR OF POLICE,
NILAKOTTAI STATION,
DINDIGUL DISTRICT.

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

+1. C.C. to Mr. R. ALAGUMANI Advocate SR.No.20182.

ORDER
IN
CRL MP (MD) No.8376 of 2018
IN
CRL RC (MD) No.583 of 2018
Date : 22/10/2018