



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10792 of 2018
IN
CRL A(MD) No.562 of 2018

PILLAPPAN

... PETITIONER/APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUVAIDAIMARUDHUR POLICE STATION,
THIRUVIDAIMARUDHUR, THANJAVUR DISTRICT,
CRIME NO.323/2006

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence awarded by the Trial Court in S.C.No.11/2013 dated 06/12/2018 on the file of the Additional Sessions Court (Fast Track Court), Kumbakonam, 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 MR.J.JOHN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

This petition is filed to suspend the sentence awarded by the trial Court in S.C.No.11 of 2013, dated 06.12.2018 on the file of the Additional Session Court, (Fast Track Court), Kumbakonam.

2.The appellant was convicted and sentenced to undergo rigorous imprisonment for a period of two years for the offence under Section 506(ii) IPC and to undergo rigorous imprisonment for a period of one month for the offence under Section 294(b) and to undergo rigorous imprisonment for a period of two years for the offence under Section 3(1) of Tamil Nadu Prevention of Property damaged Act, and to pay a fine of Rs.2,000/- in default, to undergo three months rigorous imprisonment. The period of imprisonment for the three sentences are ordered to run concurrently in S.C.No.11 of 2013 by the Additional Sessions Court (Fast Track Court), Kumbakonam, dated 06.12.2018.

3. As against the said conviction and punishment, the petitioner has preferred an appeal in Crl.A.No.562 of 2018. In this criminal appeal, the petitioner has filed the petition and prayed for the suspension of sentence pending disposal of the said appeal.



4. Heard the submissions made on both sides and perused the judgment and other records available.

5. It is seen that the prosecution has deliberately misled the trial Court and suppressed the counter case registered against P.W.1 to P.W.3 in Cr.No.322/2006 for the offence under Section 341, 294(b) and 506(ii).

6. After considering the above submissions, this Court finds that there are arguable points involved to be decided in the Criminal Appeal. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the Miscellaneous Petition is allowed and the sentence of imprisonment awarded by the trial Court is hereby suspended until further orders in this petition and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties each for a like sum to the satisfaction of the Additional Sessions Court (Fast Track Court), Kumbakonam, subject to a condition that the appellant shall appear before the said Court once in a month i.e., on the first working day of every month at 10.30 A.M until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL SESSIONS COURT,
(FAST TRACK COURT), KUMBAKONAM.
- 2 THE INSPECTOR OF POLICE,
THIRUVAIDAIMARUDHUR POLICE STATION,
THIRUVIDAIMARUDHUR, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.JEREMIAH Advocate SR.No.24150

ORDER
IN
CRL MP (MD) No.10792 of 2018
IN
CRL A (MD) No.562 of 2018
Date : 27/12/2018