



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10801 of 2018

IN

CRL A(MD) No.564 of 2018

M. RAMANATHAN

... PETITIONER/APPELLANT

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

2 THE INSPECTOR OF POLICE,
THIRUVEKAMPATHU POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.3/2007

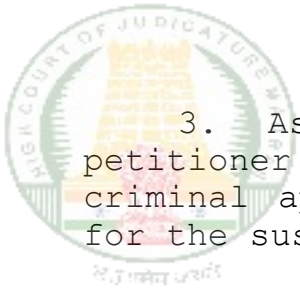
... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence pursuant to the Judgement of conviction render by the Honourable Sessions Judge, PCR Cases, Sivagangai dated 19/11/2018 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.JEYAKUMARAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondents, While admitting the CRL A., the court made the following order:-

This petition is filed to enlarge the appellant on bail by suspending the sentence pursuant to the judgment of conviction rendered by the learned Sessions Judge, PCR Cases, Sivagangai in S.C.No.142 of 2009, dated 19.11.2018.

2.The appellant was convicted and sentenced and to pay a fine of Rs.500/- for the offence punishable under Section 341 of IPC, in default, to undergo one month rigorous imprisonment and to pay a fine of Rs.2,000/- for the offence under Section 324 IPC in default, to undergo two months rigorous imprisonment and sentenced to undergo one years rigorous imprisonment for the offence punishable under Section 3(1)(X) of SC/ST Act and to pay a fine of Rs.1,000/- in default, to undergo one month simple imprisonment. The period of imprisonment for the three sentences were ordered to run concurrently in S.C.No.142 of 2009 by the learned Sessions Judge, PCR Cases, Sivagangai dated 19.11.2018.



3. As against the said conviction and punishment, the petitioner has preferred an appeal in CrI.A.No.564 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 failed to prove that one sundarrajan who has admitted that P.W.1 was in the hospital, has not been examined in the present case. It is also seen that the individual witness has not stated anything incriminating as against the accused.

6. On consideration of the above, 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 Sessions Judge, (PCR Cases), Sivagangai, 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

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

TO

- 1 THE SESSIONS JUDGE,
(PCR CASES), SIVAGANGAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
DEVAKOTTAI, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
THIRUVEKAMPATHU POLICE STATION,
SIVAGANGAI DISTRICT.



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

+1. C.C. to M/S.J.JEYAKUMARAN Advocate SR.No.24157

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ORDER
IN
CRL MP (MD) No.10801 of 2018
IN
CRL A (MD) No.564 of 2018
Date :27/12/2018

JM/JC/SAR 4/02.01.2019/3P/6C