



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10800 of 2018

IN

CRL A(MD) No.565 of 2018

THANUSHKODI

... PETITIONER/APELLANT

Vs

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

2.THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.276/2006)

... 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 judgment of conviction render by the Honourable Sessions Judge, PCR Cases, Sivagangai dated 15/11/2018 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.K.SUYAMBULINGA BHARATHI, 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 petitioner 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.116 of 2009, dated 15.11.2018.

2.The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three months for the offence under Section 294(b) IPC and sentenced to undergo rigorous imprisonment for a period of one year for the offence under Section 506(ii) IPC and sentenced to undergo rigorous imprisonment for a period of one year for the offence punishable under Section 3(1)(X) of SC/ST and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment and the period of imprisonment for the



three sentence is ordered to run concurrently in S.C.No.116 of 2009 by the learned Sessions Judge, PCR Cases, Sivagangai dated 15.11.2018.

3. As against the said conviction and punishment, the petitioner has preferred an appeal in CrI.A.No.565 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. On a perusal of the records, it is seen that the occurrence is said to have taken place on 16.09.2006 morning at about 07.00 A.M. But the complaint was lodged on 18.09.2006 night at about 09.00 P.M., after a lapse of two days. It is also seen that there is no explanation from the prosecution for the said delay of two days in preferring the complaint.

6. In such view of the matter, 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 DISTRICT.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
SIVAGANGAI, SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. C.C. to Mr.J.JEYAKUMARAN Advocate SR.No.24158

ORDER

IN

CRL MP (MD) No.10800 of 2018

IN

CRL A (MD) No.565 of 2018

Date :27/12/2018

AE/PN/SAR3/02.01.2018/3P/6C