



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.10806 of 2018

IN

CRL A (MD) No.567 of 2018

MANISERVAI

... APPELLANT/SOLE ACCUSED

Vs

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

2.THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

Crime No.314/2006

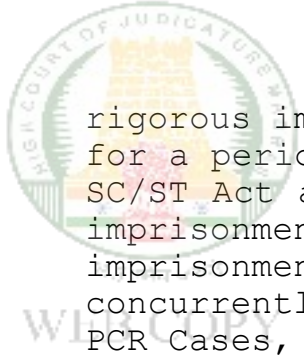
... RESPONDENTS/COMPLAINT

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 in S.C.NO.352/2009, dated 19/11/2018, pending disposal of the above Criminal Appeal.

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 Appellant and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Criminal Side) for 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 render by the learned Sessions Judge, PCR Cases, Sivagangai in S.C.No.352 of 2009, dated 05.12.2018.

2.The petitioner was convicted and sentenced to pay a fine of Rs.2,000/- for the offence under Section 324 IPC and in default, to undergo rigorous imprisonment for a period of one month and sentenced to undergo Rigorous Imprisonment for a period of six months for the offence punishable under Section 3(1)(X) of SC/ST and to pay a fine of Rs.1,000/- and in default, to undergo one month



rigorous imprisonment and sentenced to undergo rigorous imprisonment for a period of six months for the offence under Sections 3(1)(V) of SC/ST Act and to pay fine Rs.1,000/- in default to undergo rigorous imprisonment for a period of one month and the periods of imprisonment for the three sentences were ordered to run concurrently in S.C.No.352 of 2009 by the learned Sessions Judge, PCR Cases, Sivagangai dated 05.12.2018.

3. As against the said conviction and punishment, the petitioner has preferred an appeal in Crl.A.No.567 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 P.W.1, has given contrary statement in respect of the blood stained and P.W.8 also made contrary statement in collecting the blood stained cloths.

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 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

/ TRUE COPY /

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,
MANAMADURAI, SIVAGANGAI DISTRICT

3. THE INSEPECTOR OF POLICE
THIRUPPACHETHI 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.24159

ORDER

IN

CRL MP (MD) No.10806 of 2018

IN

CRL A (MD) No.567 of 2018

Date : 27/12/2018

TK/PN/SAR-2/02.01.2019/3P/6C