



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)Nos.10812 & 10813 of 2018
in
Crl.RC.(MD)Nos.671 & 672 of 2018

Crl.MP. (MD)No.10812 of 2018 in Crl.RC. (MD)No.671 of 2018:

V.P. GOPALAKRISHNAN

... PETITIONER/ PETITIONER

Vs

1 K. MURUGESAN

... 1st RESPONDENT/ APPELLANT/
DEFACTO COMPLAINANT

2 STATE REP.BY

THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR.
IN CRIME NO.21 OF 2010

... 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 operation of the conviction and sentence imposed upon the petitioner by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal No.98/2017 dated 19/11/2018 pending disposal of the above Criminal Revision petition.

Crl.MP. (MD)No.10813 of 2018 in Crl.RC. (MD)No.672 of 2018:

1 A.RAMASAMY

2 R.SELVAKUMAR

3 M.VALARMATHI

... PETITIONERS/ PETITIONERS

- Vs. -

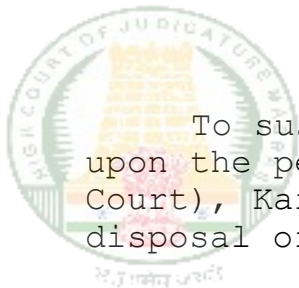
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THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR.
IN CRIME NO.21 OF 2010

... RESPONDENT/ RESPONDENT



To suspend the operation of the conviction and sentence imposed upon the petitioner by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal No.98/2017 dated 19/11/2018 pending disposal of the above Crl.R.C.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.K.SURESH, Advocate for the petitioner in Crl.MP.(MD)No.10812 of 2018 in Crl.RC.(MD)No.671 of 2018 and Mr.B.SARAVANAN, Advocate for the petitioners in Crl.MP.(MD)No.10813 of 2018 in Crl.RC.(MD)No.672 of 2018 and of Mr.R.ANANDHARAJ, Additional Public Prosecutor for R2 in both the petitions, While admitting the CRL.RCs, the court made the following order:-

Crl.RC(MD)Nos.671 & 672 of 2018 are preferred against the conviction and sentence passed by the learned Additional Sessions Judge, Fast Track Mahila Court, Karur, in Crl.A.No.98 of 2017, dated 19.11.2018, in and by which, the first appellate Court, though confirmed the acquittal as regards the petitioners / accused 1 to 4 for the offence punishable under Section 467 IPC, has convicted the petitioners / accused 1 to 4 as follows:

i) under Section 406 IPC sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment;

ii) under Section 465 IPC sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment;

iii) under Section 468 IPC sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment;

iv) under Section 471 IPC sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment; and

v) under Section 420 IPC sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment. The sentences of imprisonment were ordered to run concurrently.

In order to suspend the sentence, the present Criminal Miscellaneous Petitions in Crl.MP.(MD)Nos.10812 & 10813 of 2018 are filed.

2. It is submitted by the learned counsel for the petitioners / accused 1 to 4 that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.

3. It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record for implicating the petitioners / accused 1 to 4.

4. Heard the learned Counsel appearing for the petitioners / accused 1 to 4 and the learned Additional Public Prosecutor



appearing for the second respondent / State. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.

5. It is seen that there are totally six accused in the present case and all of them were acquitted by the trial Court, against which, the de-facto complainant has preferred appeal before the first appellate Court. The first appellate Court, though confirmed the acquittal as regards accused 5 & 6 in full, has convicted accused 1 to 4 as stated supra.

6. The sentence of imprisonment is for a limited period only. There is no likelihood of listing these revision cases within a short time. The perusal of entire records including the grounds of appeal, would highlight that there are arguable points involved in this case. Considering the nature of the crime and the overall circumstances involved in this case, this Court is of the considered view that the petitioners / accused 1 to 4 are entitled for the relief of grant of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of these revision cases and the petitioners / accused 1 to 4 are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Karur and on further condition that the petitioners / accused 1 to 4 shall appear before the said Court on the first working day of every English Calendar 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 JUDGE, MAHALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT), KARUR.
2. ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR.
3. THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
Crl.MP.(MD)Nos.10812 & 10813 of 2018
in Crl.RC.(MD)Nos.671 & 672 of 2018
Date :27/12/2018