



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

Thursday, the Twentieth day of September Two Thousand Eighteen

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) Nos.7492 & 7493 of 2018

IN

CRL RC(MD) No.537 of 2018

POMINATHAN

... PETITIONER/APPELLANT/ACCUSED
IN BOTH THE PETITIONS

Vs

STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE
PASUVANTHANAI POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.61/2011

... RESPONDENT/RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD).7492/2018 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the Learned Judicial Magistrate No.II, Kovilpatti in C.C.No.142/2011 dated 10/08/2017 and which was modified by Learned II Additional District Sessions Court, Tuticorin in Crl.A.No.116/2017 dated 27/08/2018 by enlarging the petitioner on bail and thus render Justice.

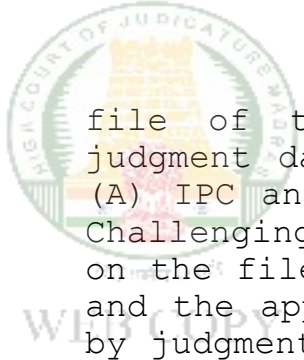
Prayer in CRL MP(MD).7493/2018 :

To exempt the petitioner from surrender before the Learned Judicial Magistrate No.II, Kovilpatti in connection with the Judgement passed in Crl.A.No.116/2017 dated 27/08/2018 on the file of the Learned II Additional District Sessions Court, Tuticorin by modifying the order of conviction sentence passed by the Learned Judicial Magistrate No.II, Kovilpatti in C.C.No.142/2011 dated 10/08/2017.

Order: These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.M.PRABU, Advocate for the petitioner in both the petitions and of MR.A.ROBINSON, Government Advocate (Crl.Side) on behalf of the Respondent in both the petitions, while admitting the CRL.RC., the court made the following order:-

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The petitioner is the sole accused in C.C.No.142 of 2011 on the



file of the learned Judicial Magistrate No.II, Kovilpatti. By judgment dated 10.08.2017, he has been convicted under Section 304 (A) IPC and sentenced to undergo simple imprisonment for one year. Challenging the same, he has filed an appeal in CrI.A.No.116 of 2017 on the file of the II Additional District Sessions Court, Tuticorin and the appellate Court has confirmed the order of the court below by judgment dated 27.08.2018. Challenging the same, the petitioner is before this Court with CrI.R.C.(MD)No.537 of 2018. Pending disposal of the same, the petitioner has come forward with these petitions seeking exemption to the petitioner from surrendering before the trial Court and suspension of substantive sentence of imprisonment.

2.Heard the learned counsel appearing for the petitioner and also perused the records carefully.

3.Since certain arguable points have been raised by the learned counsel for the petitioner, this Court is inclined to exempt the petitioner from surrendering before the Trial Court and also grant suspension to the sentence till the disposal of the revision.

4.Accordingly, these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is directed to be enlarged on bail, on his surrender before the trial Court and comply the following conditions:

i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calender month at 10.30 a.m., until further orders. Time for surrender by 10.10.2018.

sd/-
20/09/2018

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT SESSIONS JUDGE, TUTICORIN

2 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, TUTICORIN DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.



4 THE INSPECTOR OF POLICE
PASUVANTHANAI POLICE STATION,
TUTICORIN DISTRICT.

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

+2. C.C. to MR.M.PRABU, Advocate SR.No.17994, 17995

ORDER IN
CRL MP (MD) No.7492 & 7493 of 2018
IN CRL RC (MD) No.537 of 2018
Date :20/09/2018

PK/RR/SAR-2/27.09.2018 : 3P/8C