



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

Friday, the Twenty Second day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1076 of 2019
IN CRL A(MD) No.245 of 2012

PARTHIBAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.85/2010

... 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 sentence awarded by the Learned Mahila Judge, Tirunelveli dated 15/11/2012 in S.C.No.380 of 2010 and release the petitioner/appellant on bail pending disposal of Criminal Appeal in Crl.A.No.245 of 2012.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.RAMACHANDRAN, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner/appellant has been found guilty for the offence punishable under Section 306 I.P.C and to undergo seven years rigorous imprisonment and also he was directed to pay a fine of Rs.10,000/- by the learned Sessions Judge, Mahila Court, Tirunelveli in the judgment in S.C.No.380 of 2010, dated 15.11.2012.

2.It is submitted by the learned counsel for the petitioner that the petitioner was undergoing sentence of imprisonment from 29.01.2019 and the petitioner has remitted the fine amount of Rs.10,000/- to the credit of S.C.No.380 of 2010 on the file of the trial Court on 22.11.2012.

3.It is submitted by the learned counsel appearing for the respondent that there are enough materials available on record against the petitioner/accused and prays for dismissal of this petition.



4.This Court has carefully considered the rival contentions put forward by their side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that the petitioner has been undergoing sentence of imprisonment from 29.01.2019 and there are arguable points involved in this revision and further the revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes 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 Mahila Judge, Tirunelveli and on further condition that the petitioner shall appear before the said court, daily twice at 10.30,a.m and 04.30.pm until further orders.

sd/-
22/02/2019

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

TO

1. THE MAHILA JUDGE, TIRUNELVELI.
2. THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL JAIL,
PALAYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to Mr.R.RAMACHANDRAN Advocate SR.No.3557

ORDER IN
CRL MP(MD) No.1076 of 2019
IN
CRL A(MD) No.245 of 2012
Date :22/02/2019