



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.1098 of 2019

IN

CRL RC(MD) No.550 of 2016

BALAMURUGAN

... PETITIONER/ PETITIONER

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

GANDHI MARKET POLICE STATION,
TRICHY.

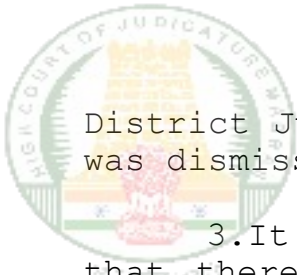
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Judgement and sentence dated 22.06.2015 passed in S.C.No.159/2014 by the Honourable 2nd Additional Assistant Sessions Court, Tiruchirappalli as confirmed by the Judgment dated 05.04.2016 and passed in C.A.No.45 of 2015 by the Honourable 3rd Additional District Judge, Tiruchirappalli pending disposal of the Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.MAHESWARAN, 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 respondent police registered a case against the petitioner and 2 other accused persons for the alleged offences punishable under Sections 341, 307 r/w Section 34 and 120(b) I.P.C. After completion of investigation, they filed a charge sheet before the learned II Additional Assistant Sessions Court, Tiruchirappalli and the same was taken on file in S.C.No.159 of 2014.

2.Thereafter, the learned II Additional Assistant Sessions Court, Tiruchirappalli, convicted the petitioner/appellant to undergo simple imprisonment for one month for the offence under Section 341 I.P.C and further sentence to undergo rigorous imprisonment for 5 years and pay a fine of Rs.5,000/- for the offence punishable under Section 307 I.P.C. Aggrieved by the same, the petitioner preferred an appeal before the learned III Additional



District Judge, Tiruchirappalli in CrI.A.No.45 of 2015 and the same was dismissed the appeal thereby confirmed the conviction.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities and material contradictions in this case and the petitioner was undergoing sentence of imprisonment from 31.01.2019.

4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner/accused and the first appellate court has rightly convicted the petitioner and prays for dismissal of this petition.

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

6.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 31.01.2019 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.

7.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 the 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 II Additional Assistant Sessions Court, Tiruchirappalli, 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

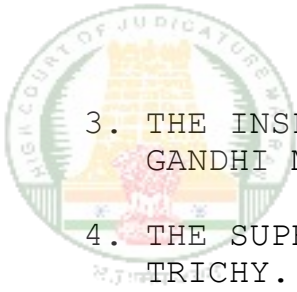
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE 2ND ADDITIONAL ASSISTANT SESSIONS JUDGE,
TIRUCHIRAPPALLI.

2. THE 3RD ADDITIONAL DISTRICT JUDGE,
TIRUCHIRAPPALLI.



3. THE INSPECTOR OF POLICE
GANDHI MARKET POLICE STATION, TRICHY.

4. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

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

+1. C.C. to Mr.R.MAHESWARAN Advocate SR.No.3598

ORDER
IN
CRL MP (MD) No.1098 of 2019
IN
CRL RC (MD) No.550 of 2016
Date :22/02/2019

MS/PN/SAR-1/25.02.2019/3P.7C