



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1162 of 2019

IN

CRL A (MD) No.33 of 2019

1.SONAIMUTHU

2 KARTHICK

... APPELLANTS/ACCUSED NOS.2 & 4

Vs

STATE THROUGH

THE DEPUTY SUPERINTENDENT OF POLICE,

KAMUTHI, ALL WOMEN POLICE STATION,

RAMANATHAPURAM DISTRICT.

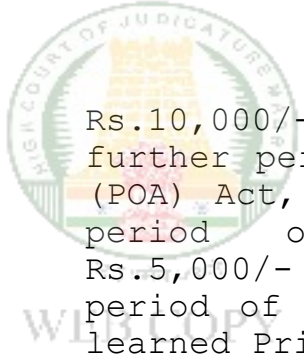
(CRIME NO.7/2015)

... RESPONDENT/COMPLAINANT

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 against petitioners in S.C.No.127/2015 dated 22/01/2019 on the file of the Principal District and Sessions Judge, Ramanathapuram and enlarge them on bail pending disposal of above Crl.A. and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.SUBASH BABU, 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 petitioners submitted that the petitioners have been convicted by the learned trial Judge for the alleged offences under Section 147 I.P.C, sentenced to under go rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a further period of two months, under Section 352 I.P.C, sentenced to under go rigorous imprisonment for a period of three months and to pay a fine of Rs.500/- in default to undergo rigorous imprisonment for a further period of two weeks, under Section 506 (ii) I.P.C, sentenced to under go rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a further period of one month, under Section 4 of Women Harassment Act, sentenced to under go rigorous imprisonment for a period of three years and to pay a fine of



Rs.10,000/- in default to undergo rigorous imprisonment for a further period of three months and under Section 3(1)(x) of SC/ST (POA) Act, 1989, sentenced to undergo rigorous imprisonment for a period of four years and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for a further period of six months in S.C.No.127 of 2015, on the file of the learned Principal District and Sessions Judge, Ramanathapuram.

2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (criminal side) that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case 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 petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal 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 petitioners 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 appeal and the petitioners are directed to be enlarged on bail on condition that on each of them executing 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 Principal District and Sessions Judge, Ramanathapuram and on further condition that the petitioners shall appear before the said Court on the first working day of every week at 10.30 a.m pending appeal.

sd/-
25/02/2019

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



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
KAMUTHI, ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

1 CC to Mr.M.SUBASH BABU, Advocate (SR-3665[I] dated 25/02/2019)

ORDER
IN
CRL MP (MD) No.1162 of 2019
IN
CRL A (MD) No.33 of 2019
Date :25/02/2019

TK/JC/SAR-III/27.02.2019/3P/6C