



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1188 of 2019

IN

CRL A(MD) No.34 of 2019

1 MOOKAN

2 PANDI

... PETITIONERS/APPELLANTS

Vs

STATE:

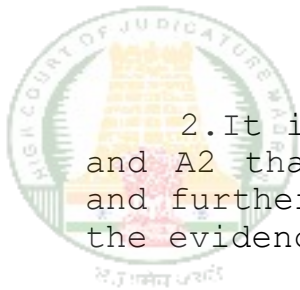
THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPATHUR SUB - DIVISION,
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.109 OF 2012

... 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 in S.C.No.54 of 2013 dated 22.01.2019 on the file of the Sessions Judge and Special Court for PCR, Sivagangai and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.KANNAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate on behalf of the Respondent, While admitting the CRL A., the court made the following order:-

The learned counsel for the petitioners/A1 and A2 submitted that the petitioners have been convicted by the learned trial Judge for the alleged offences under Section 506(i) IPC and Section 3(1) (x) of SC/ST Act and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a further period of one month and sentenced to undergo rigorous imprisonment for a period one year and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a further period of one month in S.C.No.54 of 2013 on the file of the Sessions Judge and Special Court for PCR, Sivagangai.



2.It is submitted by the learned counsel for the petitioners/A1 and A2 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/A1 and A2 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 are 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 the Special Judge and Special Court for PCR, Sivagangai and on further condition that the petitioners shall appear before the said court on the first working day of every month at 10.30 am, pending appeal.

sd/-
12/02/2019

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE AND SPECIAL COURT FOR PCR,
SIVAGANGAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPATHUR SUB DIVISION,

<https://hcservices.ecourts.gov.in/hcservices/>
THIRUPATHUR POLICE STATION, SIVAGANGAI DISTRICT.



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

+1 CC to M/s.V.KANNAN, Advocate (SR-2869 dated 12/02/2019)

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ORDER

IN

CRL MP (MD) No.1188 of 2019

IN

CRL A (MD) No.34 of 2019

Date :12/02/2019

JM/VR/SAR 1/13.02.2019/3P/5C