



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) Nos.1197 and 1198 of 2019

IN

CRL RC(MD) No.34 of 2019

BOOMI

... PETITIONER/ PETITIONER/
APPELLANT/ACCUSED 1
IN BOTH PETITIONS

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT.
Crime No.37 of 2010

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

PRAYER IN CRL MP(MD) No.1197 of 2019:

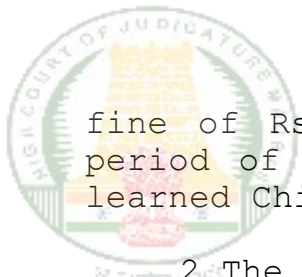
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order suspending the sentence imposed on the petitioner by the Chief Judicial Magistrate, Theni District made in S.C.No.156 of 2010 dated 31.10.2011 as confirmed subsequently by the Principle District and Sessions Judge, Theni made in C.A.No.45 of 2011 dated 18.09.2018 pending disposal of the above revision.

PRAYER IN CRL MP(MD) No.1197 of 2019:

To pass an order to exempt the petitioner from surrendering in the Trail Court in pursuance of the conviction and sentence imposed on him by the Learned Chief Judicial Magistrate, Theni Theni District made in S.C.No.156 of 2010 dated 31.10.2011 as confirmed subsequently by the Learned Principle District and Sessions Judge, Theni made in C.A.No.45 of 2011 dated 18.09.2018 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.B.JEYAKUMAR, Advocate for the petitioner in both petitions, and of Mr.A.ROBINSON, Government Advocate(criminal side) for Respondent in both petitions, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner have been convicted by the learned trial Judge for the alleged offences under Section Section 324 I.P.C., sentenced to under go simple imprisonment for a period of one year and to pay a



fine of Rs.1,000/- to undergo simple imprisonment for a further period of one month in S.C.No.156 of 2010, on the file of the learned Chief Judicial Magistrate, Theni, Theni District.

2.The learned Principal District and Sessions Judge, Theni District, confirmed the conviction and sentence and dismissed the Criminal Appeal No.45 of 2011, dated 18.09.2018.

3.It is submitted by the learned counsel for the petitioner 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 petitioner 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 petitioner 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 revision and further the criminal 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, the suspension of sentence 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 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 Chief Judicial Magistrate, Theni, Theni District. and on further condition that the petitioner shall appear before the said Court on the first working day of every week at 10.30 a.m pending revision.

7.The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
25/02/2019

/ TRUE COPY /



TO

1. THE CHIEF JUDICIAL MAGISTRATE,
THENI, THENI DISTRICT.

2. THE PRINCIPLE DISTRICT AND SESSIONS JUDGE,
THENI

3. THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.

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

+1. C.C. to Mr B.JEYAKUMAR Advocate SR.No.3645

ORDER

IN

CRL MP (MD) Nos.1197 and
1198 of 2019

IN

CRL RC (MD) No.34 of 2019

Date :25/02/2019

TK/VR/SAR-3/27.02.2019/3P/6C