



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

Monday, the Fourth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.1269 & 1270 of 2019

IN

CRL A(MD) No.46 of 2019

VEERAPANDI

... PETITIONER/APPELLANT
IN CRL MP(MD)NO.1269 of 2019

MUNEESWARAN

...PETITIONER/APPELLANT
IN CRL MP(MD)NO.1270 of 2019

Vs

1 VIJAYAKUMAR,

2 THE ASSISTANT SUPERINTENDENT OF POLICE,
KAMUTHI SUB DIVISION,
RAMANATHAPURAM DISTRICT.
(CRIME.NO.147/2011)

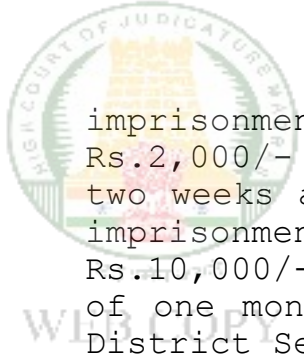
... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

COMMON PRAYER IN CRL MP(MD)NO.1269 & 1270 OF 2019

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 Spl.S.C.No.97/2014 dated 07.12.2018 on the file of the Learned District Sessions Judge, Ramanathapuram, till the disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.D.SASI KUMAR, Advocate for the petitioner in both petitions and of Mr.A.ROBINSON Government Advocate (Crl Side)for R2 in both petitions, the court made the following order:-

The learned counsel for the petitioners submitted that the petitioner in Crl.M.P.(MD)No.1269 of 2019 has been convicted by the learned trial Judge for the alleged offences under Section 323 IPC sentenced to undergo simple imprisonment for a period of 6 days and to pay fine of Rs.1,000/- in default to undergo simple imprisonment for a period of two weeks and under Section 4 of TNWA sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.10,000/- in default to undergo rigorous imprisonment for a period of one month and the petitioner in Crl.M.P.(MD)No.1270 of 2019 has been convicted by the learned trial Judge for the alleged offences under Section 323 IPC(2 counts) sentenced to undergo simple



imprisonment for a period of 6 days and to pay fine of Rs.2,000/- in default to undergo simple imprisonment for a period of two weeks and under Section 4 of TNWA sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.10,000/- in default to undergo rigorous imprisonment for a period of one month in Spl.S.C.No.97 of 2014, on the file of the learned District 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, these petitions are 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) each with two sureties each for a like sum to the satisfaction of the learned District 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/-
04/03/2019

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



TO

1 THE DISTRICT SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE ASSISTANT SUPERINTENDENT OF POLICE,
KAMUTHI SUB DIVISION,
RAMANATHAPURAM DISTRICT.

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

+2. C.C. to Mr.D.SASI KUMAR Advocate SR.No.4198,4199

PS/PN/SAR-2/15.03.2019/3P/6C

ORDER

IN

CRL MP(MD) No.1269 of 1270 of 2019

IN

CRL A(MD) No.46 of 2019

Date :04/03/2019