



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1282 of 2019

IN

CRL A(MD) No.48 of 2019

KALIDOSS

... PETITIONER/APPELLANT

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
THIRUTHANGAL POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.612/2010

... RESPONDENT/RESPONDENT

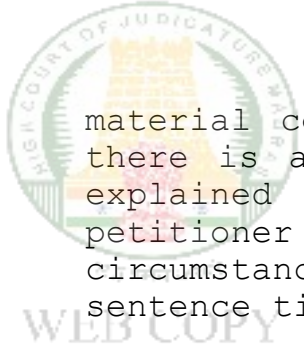
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned Sessions Judge, Fast Track Mahalir Neethimandram, Virudhunagar District at Srivilliputhur in S.C.No.205/2011 by the Judgement dated 25/10/2016 and enlarge the Petitioners/Appellants on bail, pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PRABHA, Advocate for MR.D.RAMESHKUMAR, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the Sessions Judge, Fast Track Mahalir Neethimandram, Virudhunagar District at Srivilliputhur, in S.C.NO.205 of 2011, dated 25.10.2016, pending appeal.

2.The learned counsel for the petitioner submitted that petitioner was convicted by the trial Court and sentenced him to undergo 10 years of Rigorous Imprisonment and to pay a fine of Rs.25,000/-, in default to undergo 2 years of Simple Imprisonment.

3.The learned counsel for the petitioner further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses and that there is also a



material contradiction with regard to the place of occurrence and there is a delay in preferring the complaint, which has not been explained by the prosecution. It is further submitted that the petitioner is in jail since 25.10.2016. In view of the above circumstances, the petitioner seeks the relief of suspension of sentence till the disposal of the appeal.

4.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.

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 is in jail from 25.10.2016 and 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 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 appeal and the petitioner is directed to be enlarged on bail on condition that he 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 the Judicial Magistrate, Sivakasi and on further condition that the petitioner shall appear before the said court once in a month at 10.30 am, pending appeal.

sd/-  
14/03/2019

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

TO

1 THE JUDICIAL MAGISTRATE, SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR AT SRIVILLIPUTHUR.



3 THE SESSIONS JUDGE,  
FAST TRACK MAHILIR NEETHIMANDRAM,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,  
THIRUTHANGAL POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.D.RAMESHKUMAR Advocate SR.No. 4846

ORDER

IN

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IN

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Date :14/03/2019

JM/VR/SAR 1/14.03.2019/3P/8C