



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

CRL MP(MD) No.1283 of 2019
IN
CRL A(MD) No.49 of 2019

DURAIRAJ

... APPELLANT/PETITIONER/
SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
S.S. COLONY POLICE STATION,
MADURAI DISTRICT,
CRIME NO.596/2016

... RESPONDENT/ RESPONDENT/
COMPLAINANT

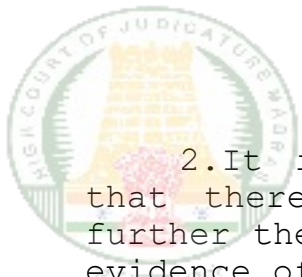
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Judgement dated 31/01/2019 made in S.C.NO.26/2018 on the file of the I Additional District and Sessions Judge, Madurai and enlarge the petitioner on bail and to pass such further orders as this Honourable Court.

PRAYER IN CRL A(MD) No.49 of 2019:

To call for the Judgment dated 31.01.2019 made in S.C.NO.26 of 2018 on the file of the I Additional District and Sessions Judge, Madurai, and set aside the same and to pass such further or other orders as this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.KARTHICK SUBRAMANIAN, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(criminal side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the alleged offences under Section 3(1) of TNPPDL Act and sentenced to under go rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a further period of three months in S.C.No.26 of 2018, on the file of the learned I Additional District and Sessions Judge, Madurai.



2.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.

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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 putforward 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 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.

6.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 the petitioner 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 I Additional District and Sessions Judge, Madurai. 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 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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MADURAI.

2.THE JUDICIAL MAGISTRATE NO V,



3. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

4. THE INSPECTOR OF POLICE,
S.S. COLONY POLICE STATION,
MADURAI DISTRICT.

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

+1. C.C. to Mr.S.KARTHICK SUBRAMANIAN Advocate SR.No.3770

ORDER
IN
CRL MP (MD) No.1283 of 2019
IN
CRL A (MD) No.49 of 2019
Date :25/02/2019

TK/MMS/SAR-3/27.02.2019/3P/7C