



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1367 of 2019

IN

CRL A(MD) No.53 of 2019

P.MUTHUKUMAR @ MUTHUKUMAR ASARI

... APPELLANT/ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.146/2010

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the learned Principal Sessions Judge, Thoothukudi, Thoothukudi District in Special C.C.No.5 of 2013 vide his judgment dated 19/09/2018 pending the disposal of the main Criminal Appeal pending on the file of this Honourable Court 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.R.ANAND, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. 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 Principal Sessions Judge, Thoothukudi, in Special C.C.No.5 of 2013, dated 19.09.2018 for the alleged offence under Sections 135(1)(c) and 138 (d) of the Electricity Act 2003 and sentenced him to undergo three years RI for each offence and further directing him to pay a sum of Rs.5,000/-, in default to undergo three months RI for each offence.

2.The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and 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 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.Considering the facts and circumstances of the case and the submission of both sides and also considering the fact that there are arguable points involved in this appeal, this court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended in respect of the petitioner and he 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 Principal Sessions Judge, Thoothukudi and on further condition that the petitioner shall appear before the said court on the first working day of every month at 10.30 am, pending appeal.

sd/-
12/03/2019

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.1367 of 2019
IN
CRL A (MD) No.53 of 2019
Date :12/03/2019