



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1431 of 2019

IN

CRL A (MD) No.289 of 2018

1.JABARULLAH

... PETITIONER/APPELLANT

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID(COUNTER FEIT CURRENCY WING),
MADURAI.

(IN CR NO.3 OF 2007)

... RESPONDENT/RESPONDENT

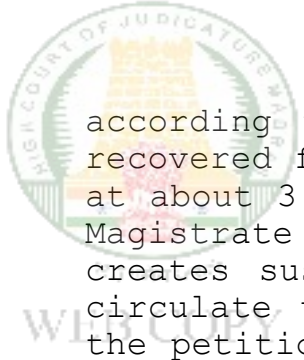
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the Sentence of Imprisonment imposed by the V Additional District and Sessions Court, Madurai in S.C.NO.183/2016, dated 31/01/2018 enlarge the petitioner/Appellant on bail, pending disposal of the above said Criminal Appeal 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.S.PAKALAVAN, 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 Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed by the V Additional District and Sessions Judge, Madurai, in S.C.No.183 of 2016, dated 31.01.2018 and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The learned counsel for the petitioner submitted that petitioner was convicted by the trial Court and sentenced him to undergo simple imprisonment for 4 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for one month for the offence under Section 489-C of IPC.

3.The learned counsel for the petitioner further submitted that the respondent police had foisted this against the petitioner since the petitioner is having a previous case in the same nature and



according to the prosecution, the counterfeit currencies had been recovered from the petitioner by the respondent police on 26.04.2007 at about 3.00 pm, but the same had been handed over to the Judicial Magistrate only on 03.05.2007 after a lapse of seven days, which creates suspicion and there is no intention for the petitioner to circulate the counterfeit currencies. It is further submitted that the petitioner is 65 years old and suffering from heart ailment and underwent open heart surgery in the year 2016 and still under medical supervision of the hospital at the Central Prison, Madurai and there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is also submitted that the petitioner is in jail for the past ten months and he is the only bread winner of his family and that there are arguable points in the main appeal. In view of the above circumstances, the petitioner seeks the relief of suspension of sentence till the disposal of the appeal.

5.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 four similar type of cases pending against the petitioner and prays for dismissal of this petition.

6.This court has carefully considered the rival contentions put forward by their side and also perused the materials available on record.

7.It is seen from the records that the Inspector of Police, counterfeit Currency Wing, CBCID, Madurai, along with his team went to Bibikulam, Ulavar Santhai, Madurai, on 26.04.2007 and on identification by the informant, the petitioner/accused was searched and found 100 rupees counterfeit currency notes in his shirt pocket and the same was recovered by the respondent police.

8.It is also seen from the records that the accused involved four cases of similar in nature, which are pending trial.

9.In view of the above facts, this court is not inclined to suspend the sentence imposed on the petitioner and accordingly, this petition is **dismissed**.

sd/-
12/04/2019

/ TRUE COPY /



TO

1. THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID (COUNTER FEIT CURRENCY WING),
MADURAI.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

ORDER
IN
CRL MP (MD) No.1431 of 2019
IN
CRL A (MD) No.289 of 2018
Date :12/04/2019

er

AE/JC/SAR-1 (25.04.2019) 3P 5C