



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

Friday, the Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP (MD) No.1449 of 2019

IN

CRL A (MD) No.171 of 2012

MUTHUKUMAR

... PETITIONER/ APPELLANT/
ACCUSED NO.1

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
ATHOOR POLICE STATION
TUTICORIN DISTRICT.

... 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 by the II Additional Sessions Judge, Thoothukudi passed in S.C.No.101/2012 dated 20/07/2012 and enlarge the petitioner on bail pending disposal of the Criminal Appeal in C.A.No.171/2012.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.R.ANBARASU, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner was convicted for the offence under Section 326 IPC, by judgment dated 20.07.2012 in S.C.No.101 of 2012 on the file of the learned II Additional Sessions Judge, Thoothukudi and he was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.500/- in default to undergo six months simple imprisonment . Hence, the petitioner seeks suspension of sentence.

2. On perusal of the records, it is seen that by order dated 12.02.2013 in Crl.M.P(MD) No.1 of 2013, suspended the sentence imposed on the petitioner and released him on bail. However the petitioners were not ready for the disposal of the appeal and hence this Court by order dated 22.01.2019 revoked the earlier order dated 12.02.2013 suspending the sentence imposed on the appellants and directed the respondent police to secure and confine them in Prison. Accordingly the petitioner/A1 has been lodged in the Central Prison, Palayamkottai.



3. Heard the submissions of the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the state.

4. Having regard to the fact that there are arguable points involved in the appeal and considering the period of incarceration, I am of the considered opinion that the appellant is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner 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 learned II Additional Sessions Judge, Thoothukudi and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-
08/03/2019

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL MP (MD) No.1449 of 2019
IN
CRL A (MD) No.171 of 2012
Date : 08/03/2019

MS/JC/SAR-2/08.03.2019/2P.5C