



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1483 of 2019

IN

CRL RC (MD) No.69 of 2019

ILAYARAJA

... PETITIONER/APELLANT

Vs

THE STATE REP. BY,
INSPECTOR OF POLICE
NADUCAVERY POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.187/2013)

... 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 imposed by the learned Principal Sessions Judge, Thanjavur dated 07.12.2018 made in Crl.A.No.56 of 2018 confirming the Judgement of conviction and sentence imposed by the learned Judicial Magistrate, Thiruvaiyaru made in C.C.No.64 of 2015 dated 30.05.2018 pending disposal of the above Crl.Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of ME.B.JAMEEL ARASU, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, while admitting the CRL RC., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted in respect of the offence under Section 304-A of IPC, made in C.C.No.64 of 2018 on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur dated 30.05.2018 and against the judgment of conviction, the petitioner filed appeal before the learned Principal Sessions Judge, Thanjavur, in Crl.A.No.56 of 2018 and by judgment, dated 07.12.2018, the learned Judge confirming the judgment delivered by the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur in C.C.No.64 of 2018 dated 30.05.2018 and directed to secure the accused to undergo the remaining period of sentence imposed on him.

2.The learned counsel for the petitioner submitted that already the accused was in custody for one year. Hence, he prayed to suspend



the sentence imposed by the learned Principal Sessions Judge, Thanjavur dated 07.12.2018.

3.It is submitted by the learned Government Advocate (Crl.Side) appearing for the respondent has not raised any objection.

4.This Court has carefully considered the rival contentions put forward 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 the petitioner has been undergoing sentence of imprisonment from 01.10.2013 and there are arguable points involved in this revision and further the revision 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 revision and the petitioner is directed to be enlarged on bail on condition that he executes 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 Judicial Magistrate, Thiruvaiyaru, Thanjavur 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 revision.

sd/-
20/02/2019

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE
THANJAVUR
- 2 THE JUDICIAL MAGISTRATE
THIRUVAIYARU, THANJAVUR DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
NADUCAVERY POLICE STATION,
THANJAVUR DISTRICT



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

+1..C.C. to MR.B.JAMEEL ARASU Advocate SR.No.3464

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ORDER

IN

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Date :20/02/2019

MSI/PN/SAR-III/21.02.2019-3P/7C