



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1518 of 2019

IN

CRL RC(MD) No.77 of 2019

FAZEETH REGUMAN

... PETITIONER/ PETITIONER/
APPELLANT/ ACCUSED

Vs

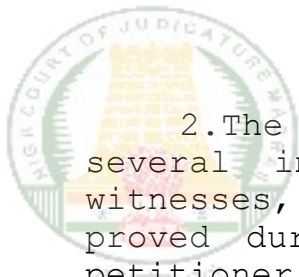
STATE REP.BY
THE INSPECTOR OF POLICE
TENKARAI POLICE STATION,
PERIYAKULAM, THENI DISTRICT.

... RESPONDENT/ 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 passed by the judgment dated 06/09/2018 made in C.A.NO.27 of 2016 on the file of Additional District and Sessions Judge, Theni confirming the judgment dated 07/04/2016 made in S.C.NO.47 of 2010 on the file of Assistant Session Judge, Periyakulam, pending disposal of the above Criminal Revision Petition 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.AJMAL KHAN, Senior Counsel for M/S.AJMAL ASSOCIATES for the petitioner and of Mr.A.ROBINSON, Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

Mr.M.Ajmal Khan, learned Senior counsel appearing for the petitioner submitted that the petitioner was convicted for the offence punishable under Section 452 IPC and sentenced to undergo 4 years RI and to pay a sum of Rs.1,000/-, as fine and for the offence under Section 307 IPC, sentenced to undergo 7 years RI and to pay a sum of Rs.1,000/- by the Assistant Sessions Judge, Periyakulam, in S.C.No.47 of 2010 and aggrieved over the same, the petitioner filed appeal before the Additional District and Sessions Judge, Theni, in C.A.No.27 of 2016 and learned first appellate Judge also confirmed the Judgment of the trial court and hence, the present criminal revision is filed.



2.The learned Senior counsel further submitted that there are several infirmities and material contradictions of prosecution witnesses, recovery and some of them are turned hostile and it is proved during the trial that PW1 had previous enmity with the petitioner and also preferred similar complaint as against petitioner and his father, which led to acquittal and that PW1 manipulated the injuries sustained by him in an accident as if he sustained injury on account of attack made by the petitioner and the Doctor (PW11) has also supported the case and he deposed that the injury could have also been caused in the accident. In view of the above circumstances, he prays for suspension of sentence till the disposal of the criminal revision.

3.It is submitted by the learned counsel appearing for the respondent that there are enough materials available on record against the petitioner/accused and both the courts have rightly convicted the petitioner 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.The learned Senior 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 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.

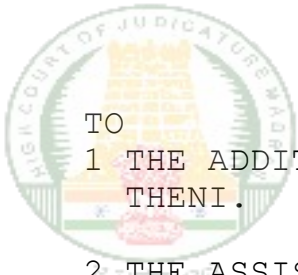
6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Periyakulam 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 revision.

sd/-

06/03/2019

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI.

2 THE ASSISTANT SESSIONS JUDGE, PERIYAKULAM.

3 THE JUDICIAL MAGISTRATE, PERIYAKULAM.

4 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

5 THE INSPECTOR OF POLICE
TENKARAI POLICE STATION,
PERIYAKULAM, THENI DISTRICT.

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

+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.4406

ORDER

IN

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IN

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Date :06/03/2019

MS/JC/SAR-2/08.03.2019/3P.8C