



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

Tuesday, the Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1572 of 2019

IN

CRL A(MD) No.539 of 2018

PONMANI

... APPELLANT/ ACCUSED

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI, POOVANTHI POLICE STATION.

IN CRIME NO.57/2012

... RESPONDENT/ COMPLAINANT

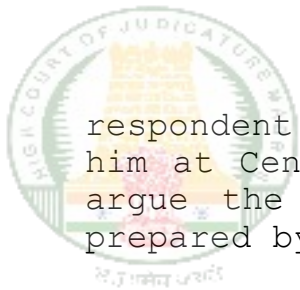
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon the petitioner by the Learned Sessions Judge, SC/ST Act Court, Sivagangai in S.C.No.4/2013, dated 16/11/2018 pending disposal of the above 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.C.M.ARUMUGAM, 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 Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the learned Sessions Judge, SC/ST Act Court, Sivagangai, in S.C.No.4 of 2013, dated 16.11.2018 pending disposal of the criminal appeal.

2.The learned counsel for the petitioner submitted that petitioner was convicted by the Sessions Judge, SC/ST Act Court, Sivagangai and he was directed to undergo Rigorous Imprisonment for 3 months for the offence under Section 294(b) IPC and Rigorous imprisonment of 9 months for the offence under Section 506(i) IPC and under Section 3(1)(x) of SC/ST (POA) Act 1989 and he was directed to undergo one year RI and to pay a fine of Rs.1,000/- in default to undergo RI for one month.

3.The learned counsel for the petitioner further submitted that the petitioner has filed Crl.M.P.No.10271 of 2018 for the relief of suspension of sentence and this court has granted suspension of sentence till 20.12.2018 and thereafter, it was not extended and the



respondent police was directed to secure the petitioner and confine him at Central Prison, Madurai and now, the petitioner is ready to argue the case, however, the typed set of papers were not even prepared by the Registry.

4. It is also submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses and that the marriage of the petitioner's daughter is scheduled to be held on 13.03.2019. In view of the above circumstance, 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 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. 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 there are arguable points involved in this criminal appeal and further the criminal appeal 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.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner 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 District and Sessions Judge (PCR) Court, Sivagangai 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/-

05/03/2019

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



TO

1 THE SESSIONS JUDGE, SC/ST ACT COURT,
SIVAGANGAI.

2 THE DISTRICT AND SESSIONS JUDGE (PCR) COURT,
SIVAGANGAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI, POOVANTHI POLICE STATION.

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

+1. C.C. to Mr.C.M.ARUMUGAM Advocate SR.No.4332

ORDER

IN

CRL MP (MD) No.1572 of 2019

IN

CRL A (MD) No.539 of 2018

Date :05/03/2019

MS/JC/SAR-2/06.03.2019/3P.6C