



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1606 of 2019

IN

CRL A (MD) No.559 of 2018

P.KUMAR

... PETITIONER/APPELLANT/ACCUSED

Vs

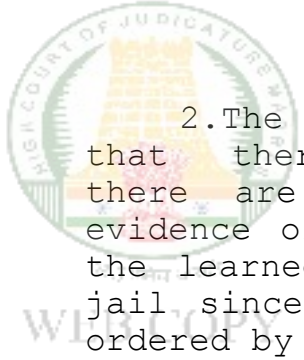
THE STATE REP. BY,
INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
IN CRIME NO.235/2010

... 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 Execution of sentence by granting bail S.C.NO.364 of 2014 dated 13/12/2018 on the file of the III Additional Sessions Judge, Tirunelveli, Tirunelveli District till the disposal of Criminal Appeal and to render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.PRABHU, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side), on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned II Additional Sessions Judge, Tirunelveli, in SC No.364 of 2014, dated 13.12.2018 and sentenced to undergo two years Rigorous Imprisonment and also imposed a fine of Rs.1,000/-, in default to undergo 6 months Rigorous Imprisonment for the offence under Section 454 of IPC; convicted and sentenced to undergo 4 years Rigorous Imprisonment and also imposed a fine of Rs.20,000/-, in default to undergo one year Rigorous Imprisonment for the offence under Section 429 of IPC; convicted and sentenced to undergo one year Rigorous Imprisonment and also imposed a fine of Rs.5,000/-, in default to undergo six months Rigorous Imprisonment for the offence under Section 3 of the Tamil Nadu Property (Prevention of Damages and Loss) Act, 1992 and further directed all the sentences are to run concurrently and also directed to pay compensation of Rs.25,000/- from the fine amount of Rs.26,000/- to PW3.



2.The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses. It is further submitted by the learned counsel for the petitioner that the petitioner is in jail since 17.12.2018 and he has paid the entire fine amount as ordered by the trial court.

3.It is submitted by the learned Government Advocate (Criminal side) that there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case 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.Considering the facts and circumstances of the case and the submission of both sides and also considering the fact that there are arguable points involved in this appeal, this court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended in respect of the petitioner and he 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 Munsif-cum-Judicial Magistrate, Cheranmahadevi 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/-
12/03/2019

/ TRUE COPY /

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

TO

1 THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI, TIRUNELVELI DISTRICT

2 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
CHERANMAHADEVI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.



4 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI

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

+1. C.C. to MR.K.PRABHU Advocate SR.No.4670

ORDER
IN
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IN
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Date :12/03/2019

MSI/VR/SAR 4/13.03.2019/3P-8C