



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL.M.P. (MD) Nos.2221 & 2222 of 2019
in
CRL.RC. (MD) No.131 of 2019

SURESH

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PUTHUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.229/1997

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

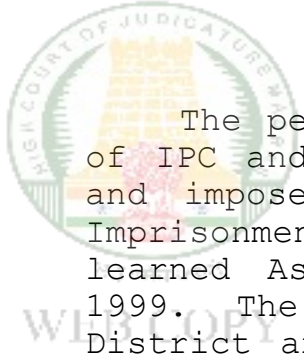
CRL.M.P. (MD) No.2221 of 2019:

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 Assistant Sessions Judge, Kuzhithurai in S.C.NO.204 of 1999 dated 13/08/2007 and the confirming / modifying Judgment passed by the Learned Additional District and Sessions Judge (Fast Track Court), Kanyakumari at Nagercoil dated 07/07/2018 in C.A.NO.157 of 2007 and enlarge the petitioner on bail pending disposal of the main revision and thus render justice.

Prayer in CRL MP(MD) . 2222/ 2019 :

To exempt the petitioner from surrendering before the trial court pursuant to the Judgment and sentence passed by Learned Assistant Sessions Judge, Kuzhithurai in S.C.No.204 of 1999 dated 13/08/2007 and the confirming/modifying Judgment passed by the Learned Additional District and Sessions Judge, (Fast Track Court), Kanyakumari at Nagercoil dated 07/07/2018 in C.A.NO.157 of 2007 in the main revision and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.N.DILIP KUMAR, Advocate for the petitioner in both the petitions and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondent in both the petitions, While admitting the CRL.RC., the court made the following order:-



The petitioner was convicted for the offence under Section 326 of IPC and sentenced to undergo Three Years Rigorous Imprisonment and imposed a fine of Rs.500/- in default to undergo Rigorous Imprisonment for Six months by Judgment dated 13.08.2007 by the learned Assistant Sessions Judge, Kuzhithurai, in S.C.No.204 of 1999. The above conviction was confirmed by the learned Additional District and Sessions Judge (Fast Track Court), Nagercoil and the imprisonment of sentence imposed by the Assistant Sessions Judge, of three years is modified to one year Rigorous Imprisonment and the fine amount of Rs.500/- imposed by the trial Court is enhanced to Rs.5000/- in default the petitioner shall undergo Simple Imprisonment for six months by order dated 07.07.2018 in C.A.No.157 of 2007. Hence, the petitioner seeks suspension of sentence and to exempt the petitioner from surrendering before the trial Court pursuant to the judgment.

2.The learned counsel for the petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable.

3.Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4. 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 Judicial Magistrate, Nagercoil, 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 revision.

5.Accordingly, the petitioner shall not be required to surrender before the trial Court as per order dated 07.07.2018 in C.A.No.157 of 2007, pending disposal of the main revision.

6.Notice.

sd/-
12/03/2019

/ TRUE COPY /

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



TO

1. THE ASSISTANT SESSIONS JUDGE,
KUZHITHURAI.
2. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK COURT), KANYAKUMARI.
3. THE JUDICIAL MAGISTRATE, NAGERCOIL.
4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
5. THE INSPECTOR OF POLICE
PUTHUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to Mr.N.DILIP KUMAR Advocate SR.No.4721

ORDER IN
CRL.M.P.(MD)Nos.2221 & 2222 of 2019
in CRL.RC.(MD)No.131 of 2019
Date :12/03/2019

MS/VR/SAR-4/13.03.2019/3P.8C