



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

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.2744 of 2019

IN

CRL A (MD) No.121 of 2019

SELVARAJ

... PETITIONER/ APPELLANT

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT.

CRIME NO.123 OF 2013

... RESPONDENT/ RESPONDENT

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 against the petitioner in S.C.No.5 of 2018 on the file of the Additional Sessions Judge, Mahalir Neethimadram, (Fast Track Court), Dindigul dated 28.02.2018 pending disposal of present criminal appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.THANGAPANDIAN, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the alleged offence under Section 302 IPC., and modified into Section 304(ii) IPC., and sentenced him to undergo rigorous imprisonment for a period of five years and fine of Rs.2,000/- in default, to undergo simple imprisonment for a period of six months in S.C.No.5 of 2018, on the file of the learned Additional Sessions Judge, Mahalir Neethimandram (Fast Track Court), Dindigul.

2.It is submitted by the learned Government Advocate (Crl.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.



3.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

4.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 revision and further the criminal 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, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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 Additional Sessions Judge, Mahalir Neethimandram (Fast Track Court), Dindigul.

(ii) and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m pending appeal.

sd/-

08/05/2019

/ TRUE COPY /

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

TO

1. THE ADDITIONAL SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
(FAST TRACK COURT), DINDIGUL.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.R.THANGAPANDIAN Advocate SR.No.8151

ORDER

IN

CRL MP(MD) No.2744 of 2019

IN

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Date :08/05/2019