



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

Friday, the Twenty Ninth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2962 of 2019

IN

CRL RC(MD) No.194 of 2019

K. MALAIRAJ

... APPELLANT/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ERWARDI DHARGE POLICE STATION,
RAMANATHAPURAM DISTRICT.

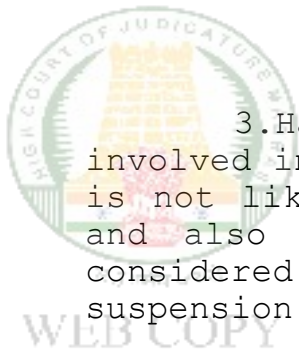
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and grant bail to the Appellant/Accused NO.1 against the concurrent judgement in C.A.No.15/2018 on the file of Principal District and Sessions Court, Ramanathapuram dated 06/09/2018 in S.C.No.20/2014 on the file of the Assistant Sessions Judge/Chief Judicial Magistrate Court, Ramanathapuram Dated 28/11/2018 in Crime NO.92/2008 on the file of the respondent pending disposal of the above Criminal Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.I.PINAYGASH, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl. Side) on behalf of the Respondent, while admitting the CRL RC, the court made the following order:-

The petitioner was convicted for the offence under Section 326 IPC and sentenced to undergo one year rigorous imprisonment and imposed to pay a fine of Rs.25,000/- in default to undergo three months rigorous imprisonment, by judgment dated 28.11.2018 in C.A.No.15 of 2018 by the learned Principal District and Sessions Judge, Ramanathapuram. Hence, the petitioner seeks suspension of sentence.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent



3. Having regard to the fact that there are arguable points involved in the revision petition and further, the revision petition is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, 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 Court No.II, Ramanathapuram, Ramanathapuram District 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 disposal of the revision petition.

sd/-
29/03/2019

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.
 2. THE ASSISTANT SESSIONS JUDGE/
CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 3. THE JUDICIAL MAGISTRATE NO II,
RAMANATHAPURAM.
 4. THE INSPECTOR OF POLICE
ERWARDI DHARGE POLICE STATION,
RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.I.PINAYGASH Advocate SR.No.5831

ORDER
IN
CRL MP (MD) No.2962 of 2019
IN
CRL RC (MD) No.194 of 2019
Date : 29/03/2019