



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.3011 of 2019

IN

CRL A (MD) No.131 of 2019

T.RAJAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
NITHIRAIVILLAI POLICE STATION,
KANYAKUMARI DISTRICT.

CRIME NO.306 OF 2006

... 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 imposed on the petitioner by the Assistant Sessions and District Court, Kuzhithurai, Kanyakumari in S.C.No.170/2007 by his judgement dated 16/07/2018 and enlarge the petitioner on bail pending disposal of the above Crl.A

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

The petitioner was convicted for the offences under Sections 452 and 307 IPC and sentenced to undergo three years simple imprisonment and imposed a fine of Rs.2,000/- in default to undergo three months simple imprisonment for the offence under Section 452 IPC and sentenced to undergo seven years simple imprisonment and imposed a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Section 307 IPC, by judgment dated 16.07.2018 made in S.S.C.No.170 of 2007, by the learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District. The above sentences shall run concurrently. He seeks suspension of sentence.

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



3. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal 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.

WEB COPY

4. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.306 of 2006 before the Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District 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 Judicial Magistrate No.2, Kuzhithurai, Kanyakumari 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 appeal.

sd/-

29/03/2019

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 THE ASSISTANT SESSIONS AND DISTRICT JUDGE,
KUZHITHURAI, KANAYAKUMARI DISTRICT.
- 3 THE JUDICIAL MAGISTRATE NO.2,
KUZHITHURAI, KANAYAKUMARI DISTRICT.
- 4 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 5 THE INSPECTOR OF POLICE,
NITHIRAI VILLAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 6 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to Mr.S.MUTHUMALAI RAJA Advocate SR.No.5823

ORDER IN
CRL MP(MD) No.3011 of 2019
IN
CRL A(MD) No.131 of 2019
Date :29/03/2019