



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.3202 of 2019
IN
CRL A(MD) No.143 of 2019

1 MURUGESAN
2 PERIYASAMY
3 RADHA
4 RAZIYA
5 KHADAR BI
6 POONKODI

... PETITIONERS/APPELLANTS

Vs

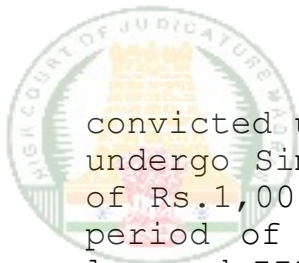
THE STATE REP BY
THE INSPECTOR OF POLICE
MANACHANALLUR POLICE STATION,
TIRUCHIRAPALLI DISTRICT
Crime No.444/2008

... RESPONDENT/ RESPONDENT

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 us by order dated 29.03.2019 passed in S.C.No.47 of 2014 on the file of the Learned 3rd Additional District and Sessions Judge, Trichirappalli pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.B.JAMEEL ARASU, Advocate for the petitioners and of Mrs.S.BHARATHI Government Advocate (Crl. Side) on behalf of the Respondent, while admitting the CRL A, the court made the following order:-

The learned counsel for the petitioners submitted that the 2nd and 6th petitioners have been convicted by the learned trial Judge for the alleged offence under Section 148 IPC., and sentenced him to undergo simple imprisonment for a period of three years and fine of Rs.1,000/- each in default, to undergo simple imprisonment for a period of three months and the Accused Nos.7 to 10 have been convicted under Section 147 I.P.C., and sentenced him to undergo Simple imprisonment for a period of 3 years, to pay a fine of RS.1,000/- each in default, to undergo simple imprisonment for a period of three months and the Accused Nos.2, 6 to 10 have been



convicted under Section 307 IPC r/w 149 I.P.C., and sentenced him to undergo Simple imprisonment for a period of 10 years, to pay a fine of Rs.1,000/- each in default, to undergo simple imprisonment for a period of three months in S.C.No.47 of 2014, on the file of the learned III Additional District and Sessions Judge, Tiruchirapalli.

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2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution 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 either side and also perused the materials available on record.

5.The learned counsel for the petitioners 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 petitioners 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 petitioners is directed to be enlarged on bail on each of them 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 III Additional District and Sessions Judge, Tiruchirapalli..

(ii) and on further condition that the petitioners 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

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TO

1. THE IIIIRD ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUCHIRAPALLI.

2. THE INSPECTOR OF POLICE
MANACHANALLUR POLICE STATION,
TIRUCHIRAPALLI DISTRICT

3. THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

+1. C.C. to Mr.B.JAMEEL ARASU Advocate SR.No.8163

ORDER
IN
CRL MP (MD) No.3202 of 2019
IN
CRL A (MD) No.143 of 2019
Date :08/05/2019

TK/JC/SAR-4/10.05.2019/3P/6C