



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3531 of 2019

IN

CRL A(MD) No.160 of 2019

1 AMSAVALLI

2 SENTHIL @ SENTHIL KUMAR

3 RAJAM

... PETITIONER/APELLANT

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
THIRUCHIRAPPALLI DISTRICT.
Crime No.62 of 2015

... 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 petitioners by the Principal Sessions Judge, Trichy in S.C.No.157 of 2018 dated 28.03.2019 and release the petitioners on bail 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.T.SENTHIL KUMAR, Advocate for the petitioners and of Mr.A.ROBINSON, Government Advocate (criminal side) on behalf of the Respondent, the court made the following order:-

The petitioners were convicted by the Judgment dated 28.03.2019 by the learned Principal Sessions Judge, Trichy, in S.C.No.157 of 2018 in the following manner:-

i)found guilty for the offence under Section 477 IPC and sentenced to undergo Three months Simple Imprisonment and imposed a fine of Rs.500/- each, in default to undergo Simple Imprisonment for One month; and

ii)found guilty for the offence under section 427 IPC and sentenced to undergo Simple Imprisonment for a period of Two years and also imposed a fine of Rs.1,000/-, each, in default to undergo Simple Imprisonment for Six months; and the sentence of imprisonment



imposed on them shall ordered to be run concurrently. Hence, the petitioners seek suspension of sentence.

2.The learned counsel for the petitioners would submit that the sentence imposed by the trial Court is suspended till 30.04.2019 and the fine amount was already paid. He would further submit 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.The learned Government Advocate (criminal side) appearing for the State would submit 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. Since there are 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 appeal and further this criminal appeal 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 are entitled to the relief of grant of suspension of sentence.

5.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy, 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.

sd/-
25/04/2019

/ TRUE COPY /

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

TO

1.THE PRINCIPAL SESSIONS JUDGE,
TRICHY.

<https://hcservices.courts.gov.in/hcservices/>
2.THE JUDICIAL MAGISTRATE NO VI,
TRICHY.



3. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4. THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
THIRUCHIRAPPALLI DISTRICT.

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

+1. C.C. to Mr. T. SENTHIL KUMAR Advocate SR.No.7208

ORDER
IN
CRL MP (MD) No.3531 of 2019
IN
CRL A (MD) No.160 of 2019
Date :25/04/2019

TK/MMS/SAR-2/29.04.2019/3P/7C