



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3686 of 2019

IN

CRL RC(MD) No.248 of 2019

P.MUTHUPANDIAN

... PETITIONER/PETITIONER

Vs

1 THE SUB INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT

2 THE PUBLIC PROSECUTOR
VIRUDHUNAGAR DISTRICT, SRIVILLIPUTHUR ... RESPONDENTS/RESPONDENTS

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 vide Judgment dated 17.12.2018 made in C.A.No.154 of 2011 on the file of the Learned Additional District Sessions Court, Virudhunagar at Srivilliputhur, confirming the Judgment dated 29.10.2011 made in C.C.No.158 of 2007 on the file of the Learned Judicial Magistrate No.II, Sattur, pending disposal of the above Crl.RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr. M. JEGADEESAN, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (Crl Side) for the Respondents, while admitting CRL RC, the court made the following order:-

The petitioner was convicted for the alleged offences under Sections 279, 337 and 304(A) of IPC, by judgment dated 29.10.2011 in C.C.No.158 of 2007, on the file of the learned Judicial Magistrate No.II, Sattur. He was sentenced to undergo rigorous imprisonment for a period of one year and fine of Rs.3,000/- in default to undergo simple imprisonment for a period of three months for the alleged offence under Section 304(A) I.P.C. and for the alleged offence under Section 337 (2 counts) IPC and fine of Rs.500/- each, in default to undergo simple imprisonment for a period of one month and totally the punishment is one year rigorous imprisonment and fine of Rs.4,000/-.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Additional District & Sessions Court, Virudhunagar at



Srivilliputtur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.154 of 2011, dated 17.12.2018.

3.The learned counsel for the petitioner would 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.

4.The learned Government Advocate (criminal side) appearing for the State would submit 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.

5.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 revision and further this 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, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision 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 Judicial Magistrate No.II, Sattur and on further condition that the petitioner shall appear before the said Court, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening until further orders.

sd/-
24/04/2019

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

TO
1 THE JUDICIAL MAGISTRATE NO-II,
SATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.



3 THE SUB INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE PUBLIC PROSECUTOR
VIRUDHUNAGAR DISTRICT, SRIVILLIPUTHUR.

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

+1. C.C. to Mr. M.S.JEYAKARTHIK Advocate SR.No.7166

PS/VR/SAR-1/26.04.2019/3P/7C

ORDER
IN
CRL MP (MD) No.3686 of 2019
IN
CRL RC (MD) No.248 of 2019
Date :24/04/2019