



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

Tuesday, the Eighteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4066 of 2019

IN

CRL RC(MD) No.277 of 2019

MUTHUPANDI @ MUTHU SWAMY

... PETITIONER/ PETITIONER

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.320/2013)

... 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 in S.C.No.286 of 2016 dated 07.12.2017 on the file of Assistant Sessions Judge, Ambasamudram as confirmed in C.A.No.92 of 2017 dated 18.02.2019 on the file of III Additional District and Sessions Judge, Tirunelveli pending disposal of the Crl.RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.R.A.RAMACHANDHRAN, Advocate for the petitioner and of MR.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed in S.C.No.286 of 2016, dated 07.12.2017 on the file of the Assistant Sessions Judge, Ambasamudram as confirmed in C.A.No.92 of 2017, dated 18.02.2019 on the file of the Additional District and Sessions Judge, Tirunelveli, pending disposal of the criminal revision.

2.The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and the petitioner is in jail for more than 54 days .

3.It is submitted by the learned Government Advocate (Criminal side) 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.

4. This court has carefully considered the rival contentions put forward on either side and also perused the materials available on record.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that the petitioner is in jail for the past 54 days and 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 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 he 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 III Additional District and Sessions Judge, Tirunelveli and on further condition that the petitioner shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending revision.

sd/-

18/06/2019

/ TRUE COPY /

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

TO

1 THE ASSISTANT SESSIONS JUDGE,
AMBASAMUDRAM.

2 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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

+1. C.C. to M/S.S.R.A.RAMACHANDHRAN Advocate SR.No. 9933

ORDER

IN

CRL MP (MD) No.4066 of 2019

IN

CRL RC (MD) No.277 of 2019

Date :18/06/2019

JM/VR/SAR 1/20.06.2019/3P/7C