



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

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4545 of 2019
IN CRL RC(MD) No.307 of 2019

B.KAVERY MANIAN

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
TUTICORIN DISTRICT.

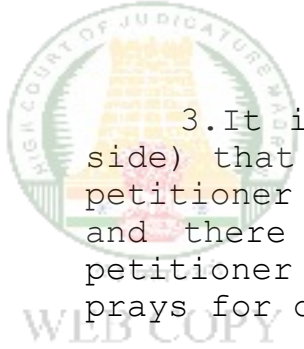
... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to call for the records connected with the order dated 16.04.2019 in Cr.M.P.No.570 of 2019 in C.A.No.7 of 2019 on the file of the Honourable Principal Sessions Judge, Thoothukudi and set aside the same, consequently pleased to suspend the sentence imposed against the petitioner in S.C.No.180 of 2014 on the file of the Honourable Sub Judge, Kovilpatti dated 18.01.2019 and release the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ALAGUMANI, 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 Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.180 of 2014 on the file of the Sub Judge, Kovilpatti, dated 18.01.2019 and release the petitioner on bail.

2.The learned counsel for the petitioner/A1 submitted that the petitioner has been convicted by the learned Assistant Sessions Judge, Kovilpatti, for the offence under Section 392 IPC and sentenced to undergo 5 years RI and to pay a fine of Rs.1,000/-, in default to undergo SI for one month. It is further 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 prays for allowing the suspension petition.



3.It is submitted by the learned Government Advocate (Criminal side) that there are so many criminal cases are pending against the petitioner and the trial court has rightly convicted the petitioner and there are enough materials available on record against the petitioner 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.Considering the facts and circumstances of the case and the submission of both sides and also considering the fact there are so many cases are pending against the petitioner, which are grievous in nature, this court is not inclined to allow this criminal miscellaneous petition.

6.In the result, this petition is **dismissed**.

sd/-
03/07/2019

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI.
2. THE SUBORDINATE JUDGE, KOVILPATTI.
3. THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, TUTICORIN 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.R.ALAGUMANI Advocate SR.No.11186

ORDER
IN
CRL MP (MD) No.4545 of 2019
IN
CRL RC (MD) No.307 of 2019
Date :03/07/2019