

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4609 of 2019

IN

CRL RC(MD) No.315 of 2019

1 PERIYASAMY

2 VIGNESHWARAN

... PETITIONER/ PETITIONER

Vs

STATE REP. BY
THE SPECIAL SUB INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
THURAIYUR,
TIRUCHIRAPPALLI DISTRICT.
(CRIME NO.561/2010)

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioners on bail by suspending the sentence imposed upon the petitioners in C.C.No.61 of 2011 on the file of the Learned Judicial Magistrate, Thuraiyur, Tiruchirappalli District by Judgment dated 06.08.2018, which had been confirmed in Crl.A.No.106/2018 on the file of the learned Principal Sessions Judge, Tiruchirappalli, Tiruchirappalli District by Judgment dated 19.01.2019 pending disposal of the main Crl.RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.PRAKASH, Advocate for the petitioners and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL RC., the court made the following order:-

The present revision case is arising out of the conviction and sentence imposed against these petitioners in Crl.A.No.106 of 2018, by the learned Principal Sessions Judge, Tiruchirappalli, Tiruchirappalli District, wherein these petitioners were found guilty for the offence punishable under Section 324 IPC and have been convicted and sentenced as detailed below :

Penal Provision under which convicted	Sentence
Section 324 IPC	To pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment

2. According to the learned counsel for the petitioners, there are more contradictions in the statement of P.W.1, P.W.2 and P.W.5. The Courts below have not appreciated the deposition of P.W.1, P.W.2, P.W.5 and P.W.7 properly and P.W.2 and P.W.5 are interested witnesses, who are the brother and father of P.W.1.

3. Apart from these grounds, these petitioners have also made out certain other grounds in the revision. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended 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), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur, and on further condition that

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

sd/-

16/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPALLI,
TIRUCHIRAPALLI DISTRICT.

4 THE SPECIAL SUB INSPECTOR OF POLICE,
THURAIYUR POLICE STATION, THURAIYUR,
TIRUCHIRAPPALLI DISTRICT.

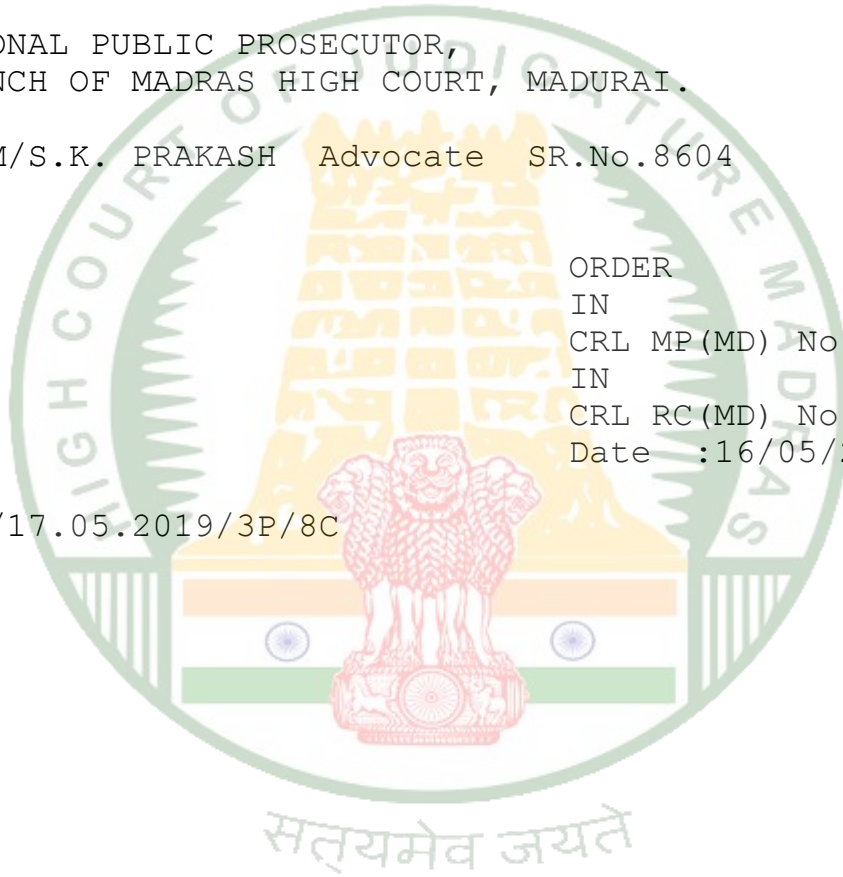
5 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.

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

+1. C.C. to M/S.K. PRAKASH Advocate SR.No.8604

ORDER
IN
CRL MP(MD) No.4609 of 2019
IN
CRL RC(MD) No.315 of 2019
Date :16/05/2019

JM/MMS/SAR 2/17.05.2019/3P/8C



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