



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

Monday, the Seventeenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4818 of 2019

IN

CRL A(MD) No.253 of 2019

RANJITHKANNAN

...APPELLANT/ ACCUSED NO.1

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI,
CRIME NO.3703/2010

... 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 conviction and sentence and grant bail to the Appellant pending disposal of the Criminal Appeal before this Honourable Court against the Judgement in S.C.No.3/2013 on the file of the VI Additional District and Sessions Court, Madurai dated 15/12/2015 pending disposal of he above appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.VENKATESAN, Advocate for the petitioner and of Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed in S.C.No.3 of 2013 by the VI Additional District and Sessions Judge, Madurai, dated 15.12.2015 and release the petitioner on bail, pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioner/A1 submitted that the petitioner was convicted for the offence under Section 307 IPC and sentenced to undergo 7 years RI and to pay a fine of Rs.5,000/-, in default 6 months imprisonment.

3.The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he was falsely implicated in this case and he was on bail through out the trial and now he is inside the prison from the date of conviction i.e., 15.12.2015 and he is only bread winner of the family and 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 suspension of sentence.

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

5.This court has carefully considered the rival contentions put forward by their side and also perused the materials available on record.

6.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 there are arguable points involved in this criminal appeal and further the 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 VI Additional District and Sessions Judge, Madurai and on further condition that the petitioner shall appear before the said court daily twice I.e., 10.30 am and 5.00 pm, pending appeal.

sd/-
17/06/2019

/ TRUE COPY /

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

TO

- 1 THE VI ADDITIONAL DISTRICT & SESSIONS JUDGE, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE, SELLUR POLICE STATION, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.VENKATESAN Advocate SR.No.9789

ORDER IN
CRL MP(MD) No.4818 of 2019
IN CRL A(MD) No.253 of 2019
Date :17/06/2019