



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

Thursday, the Fourth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.4851 of 2019
IN
CRL RC (MD) No.333 of 2019

NAGAN @ KATHIRVEL

... PETITIONER/
REVISION PETITIONER NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.284/2014

... RESPONDENT/
REVISION 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 by granting bail in C.A.No.35/2017 dated 27/03/2019 on the file of the IV Additional District and Sessions Judge, Madurai, Madurai District confirming the judgement in S.C.No.325/2015 dated 27/03/2017 on the file of the I Additional Assistant Sessions Judge, Madurai, Madurai District till the disposal of the Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.PRABHU, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the IV Additional District and Sessions Judge, Madurai, in CA No.35 of 2017, dated 27.03.2019, confirming the judgment of the I Additional Assistant Sessions Judge, Madurai, in SC No.325 of 2015, dated 27.03.2017 pending disposal of the criminal revision.

2.The learned counsel for the petitioner submitted that petitioner was convicted by the trial Court and sentenced him to undergo 3 years RI and to pay a fine of Rs.20,000/-, in default to undergo one year SI for the offence under Section 307 r/w 34 IPC and



also directed to pay compensation of Rs.50,000/- to PW2. Aggrieved by the judgment of the trial court, the petitioner filed appeal before the first appellate court, which was also dismissed by the first appellate court. Hence, the petitioner is before this court.

3.The learned counsel for the petitioner 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 that the courts below erred in convicting the petitioner without any substantial evidence. It is also submitted that the petitioner is the only breadwinner of his family and that there are arguable points in the main revision. In view of the above circumstances, the petitioner seeks the relief of suspension of sentence till the disposal of the revision.

4.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.

5.This court has carefully considered the rival contentions put forth on either 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 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.

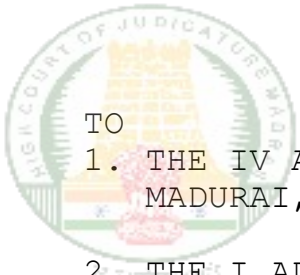
7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the District Munsif-cum-Judicial Magistrate, Vadipatti and on further condition that the petitioner shall appear before the said court daily at 10.30 am pending revision.

sd/-

04/07/2019

/ TRUE COPY /

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



TO

1. THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI, MADURAI DISTRICT.
 2. THE I ADDITIONAL ASSISTANT SESSIONS JUDGE,
MADURAI, MADURAI DISTRICT.
 3. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VADIPATTI.
 4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 5. THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION, MADURAI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.K.PRABHU Advocate SR.No.11077

ORDER

IN

CRL MP (MD) No.4851 of 2019

IN

CRL RC (MD) No.333 of 2019

Date :04/07/2019

MS/PN/SAR-1/10.07.2019/3P.8C