



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

Wednesday, the Thirty First day of July Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2806 of 2019

IN

CRL RC(MD) No.184 of 2019

SUDALAIMANI,

... PETITIONER/REVISION PETITIONER

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
THENKASI POLICE STATION, TIRUNELVELI DISTRICT.
(CRIME.NO.729 OF 2008)

... 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.31/2016 dated 05/01/2016 on the file of the Additional District and Sessions (FTC) Thenkasi, Tirunelveli District in S.C.No.521 of 2008 dated 15/03/2016 on the file of the Additional Assistant Sessions Judge, Tenkasi, Tirunelveli District till the disposal of the above Crl.RC

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.A.Robinson Government Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed in CA No.31 of 2016 by the Additional District and Sessions Court (FTC), Thenkasi, Tirunelveli District in S.C.No.521 of 2008, dated 15.03.2016 on the file of the Additional Assistant Sessions Juge, Thenkasi, Tirunelveli District, till the disposal of the revision and release the petitioner on bail, pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the offence under Section 307 IPC and sentenced him to undergo 5 years Rigorous Imprisonment and also imposed a fine of Rs.1,000/-, in default to suffer simple imprisonment for a period of 2 months and convicted and imposed a fine of Rs.250/-, in default to undergo simple imprisonment for a period of 1 week for an offence under Section 341 IPC.



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 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 Courts below have 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 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 Judicial Magistrate, Thenkasi and on further condition that the petitioner shall appear before the said court daily at 10.30 am, pending revision.

sd/-
31/07/2019

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

TO

1 THE ADDITIONAL DISTRICT AND
<https://hcservices.courts.gov.in/hcservices/>
SESSIONS (PIC) THENKASI, TIRUNELVELI DISTRICT



2. THE ADDITIONAL ASSISTANT
SESSIONS JUDGE, TENKASI, TIRUNELVELI DISTRICT

3. THE JUDICIAL MAGISTRATE, TENKASI

4. THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

5. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. C.C. to M/S. K. PRABHU Advocate SR.No.12656

ORDER
IN
CRL MP (MD) No.2806 of 2019
IN
CRL RC (MD) No.184 of 2019
Date :31/07/2019

KM/JC/SAR-III (06.08.2019) 3P 8C