



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

Monday, the Twenty Sixth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4791 of 2019

IN

CRL RC(MD) No.330 of 2019

S.RAMESH,

... PETITIONER/REVISION
PETITIONER.

Vs

1 STATE REPRESENT BY ITS
THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI (CR.NO.16/2012)

... RESPONDENT/RESPONDENT

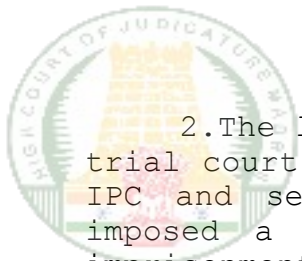
2 J.ADEL

...2ND RESPONDENT/2ND 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 and grant bail to the Revision Petitioner/ 1st Appellant/ 1st Accused against the concurrent judgement in C.A.No.9 of 2014 on the file of the learned VIth Additional District and Sessions Judge, Madurai dated 26.04.2019 in C.C.No.58 of 2012 on the file of the learned Judicial Magistrate, Melur dated 03.01.2014 in Cr.No.16 of 2012 on the file of the respondent pending disposal of the instant 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.T.LAJAPATHI ROY, Advocate for the petitioner and of Mr.A.P.G.Ohm Chairma Prabhu, Government Advocate on behalf of the 1st Respondent and of Mr.K.Subramanian, Senior Counsel for K.M.Thirupathy, Advocate for 2nd Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed in C.A.No.9 of 2014 on the file of the VI Additional District and Sessions Judge, Madurai, dated 26.04.2019, confirming the judgment of the Judicial Magistrate, Melur, passed in C.C.No.58 of 2012, dated 03.01.2014 and enlarge the petitioner on bail, pending disposal of the criminal revision.



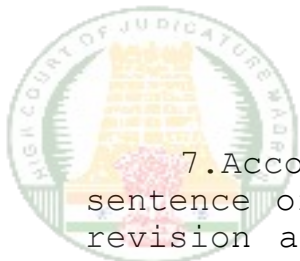
2.The learned counsel appearing for the petitioner submitted that the trial court convicted the petitioner for the offence under Section 294(b) IPC and sentenced him to undergo two months simple imprisonment and imposed a fine of Rs.200/-, in default to undergo one week simple imprisonment; for the offence under Section 447 IPC sentenced him to undergo two months simple imprisonment and imposed a fine of Rs.200/-, in default to undergo one week simple imprisonment and for the offence under Section 427 IPC sentenced him to undergo six months simple imprisonment and imposed a fine of Rs.1,000/-, in default to undergo one month simple imprisonment and that aggrieved by the judgment of the trial court, the petitioner preferred appeal and the first appellate court had also confirmed the findings of the trial court.

3.The learned counsel further submitted that the petitioner is a Life Trustee in S.R.Trust, which runs a hospital namely Meenakshi Mission Hospital and Research Centre at Madurai and his close relatives are the Trustees in said Trust and there was a dispute arose as to the trusteeship to his elder sister and she filed a Trust suit and the petitioner supported her case and due to which, this false case has been registered against the petitioner. It is also submitted by the learned counsel for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars and the courts below erred in convicting the petitioner without any substantial evidence 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 criminal revision.

4.The learned Senior counsel appearing for the 2nd respondent submitted that the 2nd respondent is working as Manager (Operations & Marketing) at Meenakshi Mission Hospital, Madurai and on 13.01.2012 when they were discussing the matter in connection with official work, the accused forcibly snatched the Sony Handicam worth about Rs.10,000/- and threw it and caused damage and further, he twisted the hands of the 2nd respondent, thereby caused injury and also threatened with dire consequences and the charges levelled against the accused persons were proved and they were convicted and on appeal filed by the accused, suspension of sentence was granted and the 2nd respondent filed a Contempt Petition No.1482 of 2017 before this court against the accused, which is pending and prays for dismissal of the suspension petition.

5.The learned Government Advocate (Criminal side) appearing for the first respondent submitted that there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and strongly opposed to suspend the sentence imposed on the petitioner and prays for dismissal of this petition.

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, Melur and on further condition that the petitioner shall appear before the said court daily at 10.30 am, pending revision.

sd/-
26/08/2019

/ TRUE COPY /

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

TO

- 1 THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE, MELUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION,
MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.4791 of 2019
IN
CRL RC(MD) No.330 of 2019
Date :26/08/2019

AM/PN/SAR-2/30.08.2019/3P-6C