



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

Friday, the Twenty Second day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.9293 of 2018

IN

CRL A(MD) No.426 of 2018

CHINNAKODI

... APPELLANT/ACCUSED 1

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
USILAMPATTI CIRCLE, MADURAI.

... 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 sentence made in Sessions Judge, Mahila Court, Madurai pending disposal of the above Criminal Appeal

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

The learned counsel for the petitioner/appellant submitted that based on the complaint of P.W.1, the respondent police registered a case in Crime No.138 of 2010, against the accused persons for the alleged offences punishable under Sections 498(A), 306 and 406 I.P.C and Section 4 of Dowry Prohibition Act.

2.The trial court convicted the accused 1 and 2 for the offences punishable under Section 498(A) and 306 I.P.C with rigorous imprisonment for two years and 5 years respectively along with fine of Rs.5,000/- each. Admittedly, the trial court acquitted the second accused for the offence punishable under Section 406 I.P.C and Section 4 of Dowry Prohibition Act.

3.It is submitted by the learned counsel for the petitioner that the petitioners were undergoing sentence of imprisonment from 16.08.2018 and the accused No.2 has got suspension of sentence before this Court in Crl.M.P.(MD)No.7294 of 2018 dated 24.09.2018.

4.It is submitted by the learned counsel appearing for the respondent that there are enough materials available on record against the petitioner/accused 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 the petitioner has been undergoing sentence of imprisonment from 16.08.2018 and there are arguable points involved in this revision and further the 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, the 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 executes 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 learned Sessions Judge, Mahila Court, Madurai and on further condition that the petitioner shall appear before the said Court, Madurai daily twice at 10.30,a.m and 04.30.pm until further orders.

sd/-
22/02/2019

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT,MADURAI.
- 2 THE INSPECTOR OF POLICE,
USILAMPATTI CIRCLE, MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.M.SURESH KUMAR Advocate SR.No.3652

ORDER
IN
CRL MP(MD) No.9293 of 2018
IN
CRL A(MD) No.426 of 2018
Date :22/02/2019