



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

Friday, the Second day of August Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6294 of 2019

IN

CRL RC(MD) No.452 of 2019

PALANICHAMY

... PETITIONER/PETITIONER

Vs

THE STATE THROUGH REP BY
THE INSPECTOR OF POLICE,
THEVATHANAMPATTI POLICE STATION,
CRIME.NO.50 OF 2013, THENI DISTRICT.

... RESPONDENT/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 imposed on the petitioner in Crl.A.No.42 of 2018 dated 17.12.2018 by the Additional District and Sessions Judge, Theni pending disposal of the above Criminal Revision and thereby render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.RAJAMOHAN, Advocate for the petitioner and of Mr.A.P.G.Ohm Chaima Prabhu Government advocate(Criminal side) on behalf of the Respondents the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 304(a) IPC, and sentenced to undergo simple imprisonment for a period of six months in C.C.No.133 of 2003, on the file of the Judicial Magistrate Court, Periyakulam. Challenging the same, the petitioner has filed an appeal in C.A.No.42 of 2018 on the file of the Additional District and Sessions Court, Theni and the Sessions Court has confirmed the conviction by judgment dated 17.12.2018 and dismissed the said Criminal Appeal.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution

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case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (Crl.side) for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.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, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate, Periyakulam;

(ii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending revision.

sd/-
02/08/2019

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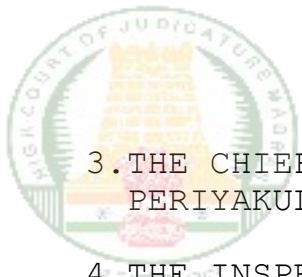
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI

2.THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT

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3. THE CHIEF JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT

4. THE INSPECTOR OF POLICE,
THEVATHANAMPATTI POLICE STATION,
THENI DISTRICT

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

+1. C.C. to M/S.R.RAJAMOHAN Advocate SR.No.12782

ORDER

IN

CRL MP(MD) No.6294 of 2019

IN

CRL RC(MD) No.452 of 2019

Date :02/08/2019

KM/JC/SAR-II (07.08.2019) 3P 7C