



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

Friday, the Sixteenth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6465 of 2019

IN

CRL A(MD) No.327 of 2019

MURUGAN

... PETITIONER/APPELLANT

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.22/2016

... 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 by the Court of Principal Sessions Judge, Thoothukudi, Thoothukudi District in S.C.No.31/2017 dated 04.07.2019 and enlarge the petitioner on bail till the disposal of the main Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.MURUGAPPAN, 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 is filed to suspend the sentence imposed on the petitioner by the Principal Sessions Judge, Thoothukudi, in S.C.No.31 of 2017, dated 04.07.2019 and enlarge the petitioner on bail till the disposal of the criminal appeal.

2.The learned counsel appearing for the petitioner submitted that the petitioner was imposed punishment to pay a fine of Rs.500/- each, in default SI for 3 weeks each for the offences under Section 294(b) and 341 IPC and sentenced him to undergo RI for 10 years and to pay a fine of Rs.1,000/-, in default to undergo RI for one year for the offence under Section 304(ii) IPC and also sentenced him to undergo RI for 6 months and to pay a fine of Rs.500/-, in default to undergo SI for one month for the offence under Section 506(ii) 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 Additional Public Prosecutor that the trial court has 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 appeal and further the criminal appeal 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 appeal 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, Sathankulam, Thoothukudi District and on further condition that the petitioner shall appear before the said court daily twice I.e, at 10.30 am and 5.00 pm, pending appeal.

sd/-
16/08/2019

/ TRUE COPY /

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

TO

1.THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.



2.THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT.

3.THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

4.THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT..

5.THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1. C.C. to Mr.R.MURUGAPPAN Advocate SR.No.13581

ORDER
IN
CRL MP(MD) No.6465 of 2019
IN
CRL A(MD) No.327 of 2019
Date :16/08/2019

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TK/VR/SAR.1/20.08.2019/3P/8C