



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

Tuesday, the Tenth day of September Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.7866 of 2019

IN

CRL RC(MD) No.653 of 2019

P.ALAZHURAJA

... PETITIONER/SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
GANGAIKONDAN TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 86 /2016)

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to To suspend the sentence and grant bail to the Revision Petitioner pending disposal of the Criminal Appeal before this Honorable Court against the Judgment dated 12.03.2019 in Crl.A. No.55 of 2018 on the III Additional District Court, Tirunelveli pending disposal of the Revision Petition on such terms and conditions as may be deem fit.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.J.PANDI DORAI, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the CRL RC., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the alleged offences punishable under Section 279 of IPC and sentenced to undergo three months simple imprisonment and under Section 337 of IPC and sentenced to undergo three months simple imprisonment and further the trial Court directed to undergo the sentence one after another (totally six months) in S.T.C.No.114 of 2017, on the file of the learned Judicial Magistrate Court No.III, Tirunelveli. The learned counsel further submitted that as against the said Judgment, the petitioner preferred criminal appeal in Crl.A(MD)No.55 of 2018 before the learned III Additional District Court, Tirunelveli. The appellate Court upheld the Judgment on 12.03.2019, however, was pleased to modify both the sentence to run concurrently.



2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

WEB COPY

3.It is submitted by the learned Government Advocate (Crl. side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case 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.

6.Accordingly, the suspension of sentence 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 the petitioner 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 Judicial Magistrate Court No.III, Tirunelveli and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m pending revision.

sd/-
10/09/2019

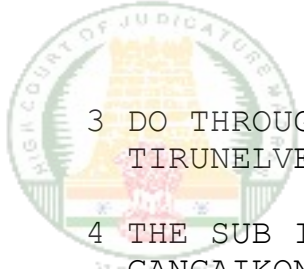
/ TRUE COPY /

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

TO

1 THE III ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

4 THE SUB INSPECTOR OF POLICE,
GANGAIKONDAN TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. C.C. to M/S.J.PANDI DORAI Advocate SR.No.15174

ORDER

IN

CRL MP (MD) No.7866 of 2019

IN

CRL RC (MD) No.653 of 2019

Date :10/09/2019

ES/10.09.2019/3P/7C