



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.9540 of 2018

IN

CRL A(MD) No.164 of 2017

K. SARAVANAN

... PETITIONER/APPELLANT

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE
THATHIENGARPETTAI CIRCLE,
TRICHY DISTRICT.

... RESPONDENT/ RESPONDENT

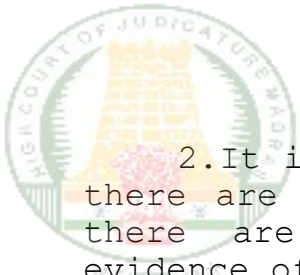
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Simple Imprisonment for a period of 2 years and to pay the fine of Rs. 1,000/- passed by the Principal Sessions court, Tiruchirappalli in Special Sessions Case No. 1 of 2015 dated 18.05.2017 pending disposal of the Criminal Appeal.

PRAYER IN CRL A(MD) No.164 of 2017:

To set aside the order of the Principal Sessions Court, Trichirappalli dated 18.05.2017 and the sentence of simple imprisonment for a period of 2 years and fine to an extent of Rs. 1,000/- by reversing the same and release the appellant from the charges as innocent and acquit the appellant honorarily and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.K.GOPALAN, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(criminal side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the appellant submitted that the appellant have been convicted by the learned trial Judge for the alleged offences under Section 135 of the Electricity Act, 2007, sentenced to under go simple imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a further period of three months in Spl.S.C.No.1 of 2015, on the file of the learned Principal Sessions Judge, Tiruchirappalli.



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

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3.It is submitted by the learned Government Advocate (criminal side) that there are enough materials available on record against the appellant 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 their side and also perused the materials available on record.

5.The learned counsel for the appellant 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 appellant herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with a condition that the appellant shall deposit a sum of Rs.75,000/- before the learned Principal Sessions Court, Thiruchirappalli, within a period of ten days from the date of receipt of a copy of this order and the appellant is directed to be enlarged on bail on condition that 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 learned Principal Sessions Judge, Tiruchirappalli and on further condition that the appellant shall appear before the said Court on the first working day of every month at 10.30 a.m., pending appeal.

sd/-

04/03/2019

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

TO

1.THE JUDICIAL MAGISTRATE,
THURAIYUR.

<https://hcservices.mca.gov.in/hcservices/>
2.THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3. THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPPALLI.

4. THE INSPECTOR OF POLICE
THATHIENGARPETTAI CIRCLE,
TRICHY DISTRICT.

5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY,

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

+1. C.C. to Mr. T.K. GOPALAN Advocate SR.No.4207

ORDER
IN
CRL MP (MD) No.9540 of 2018
IN
CRL A (MD) No.164 of 2017
Date :04/03/2019

TK/MMS/SAR-4/05.03.2019/3P/8C