



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

Wednesday, the Twenty First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6903 of 2019

IN

CRL A(MD) No.345 of 2019

1.PERINBANATHAN
2.SUBENDRAN

... APPELLANTS/ACCUSED
No.1 to 2

Vs

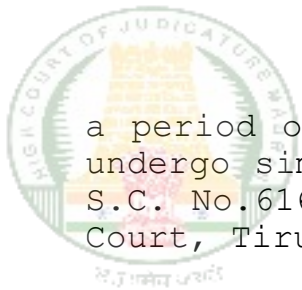
STATE THROUGH
THE INSPECTOR OF POLICE
KALLAKADU POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 05/2013

... 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 and release the appellants on bail pending disposal of this Criminal Appeal before this Hon'ble Court against the Judgment in S.C. No. 616/ 2016 by the Hon'ble Sessions and Mahila Court, Tirunelveli dated 24.07.2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the Appellants and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial Judge for the alleged offences under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.10,000/- in default to undergo 6 months simple imprisonment, under Section 354 IPC, sentenced to undergo rigorous 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 and under Section 323 IPC (2 counts), sentenced to undergo rigorous imprisonment for a period of 6 months and to pay a fine of Rs.500/- in default to undergo simple imprisonment for a further period of one month, under Section 506(i) IPC, sentenced to undergo rigorous imprisonment for



a period of 2 years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a further period of three months in S.C. No.616 of 2016, on the file of the learned Sessions and Mahila Court, Tirunelveli.

2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. It is further submitted by the learned counsel for the petitioners that the trial Court already suspended the sentence till 26.08.2019.

3.It is submitted by the learned Government Advocate (criminal side) that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition. However, he fairly conceded that the trial Court already suspended the sentence till 26.08.2019.

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 petitioners 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 petitioners herein are entitled to the relief of grant of suspension of sentence. The trial Court already suspended the sentence till 26.08.2019 and the same is made absolute.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that on each of them 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 Sessions and Mahila Court, Tirunelveli and on further condition that the petitioners shall appear before the said Court on the first working day of every week at 10.30 a.m., pending appeal.

sd/-
21/08/2019

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



TO

1. THE JUDGE,
SESSIONS AND MAHILA COURT,
TIRUNELVELI.

2. THE INSPECTOR OF POLICE
KALLAKADU POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.14053

ORDER

IN

CRL MP(MD) No.6903 of 2019

IN

CRL A(MD) No.345 of 2019

Date :21/08/2019

TK/VR/SAR.3/28.08.2019/3P/5C