

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

Thursday, the Twelfth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice V.PARTHIBAN

CRL MP(MD) No.7693 of 2019
IN
CRL RC(MD) No.631 of 2019

MADHAVAN

... REVISION PETITIONER

Vs

1 SUB DIVISIONAL EXECUTE MAGISTRATE AND
REVENUE DIVISIONAL OFFICER,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
SOOLAKKARAI CIRCLE,
VIRUDHUNAGAR DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI. ... REVISION RESPONDENTS

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 enlarge the Petitioner on bail in M.C No. A2/269/2019 dated 12.07.2019 on the file of the 1st Respondent pending disposal of the Revision Petition.

PRAYER IN CRL RC(MD) No.631 of 2019:

Pleased to call for the records in connection with MC.No.A2/269/19 dated 12.07.2009 on the file of the 1st Respondent and set-aside the same as illegal and release the petitioner namely Madhavan, S/o.Mariappan, aged about 38/2019 now confined at Central Prison, Madurai by allowing this Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SEENI SULTHAN, Advocate for the petitioner and of Mrs.Anantha Devi, Government Advocate (Criminal side) behalf of the Respondents, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner is arrayed as sole accused and the Sub Divisional Executive Magistrate and Revenue Divisional Officer, Aruppukkottai, Virudhunagar District has issued warrant of commitment in M.C.No.A2/269/19 dated 12.07.2009. Aggrieved by the said warrant of commitment, the present revision has been preferred.

2. Learned counsel appearing for the petitioner submits that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the petitioner has a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment.

3. Per contra, Ms.M.Anantha Devi, learned Government Advocate (Crl. Side), appearing for the respondent submitted that the prosecution, through cogent and convincing testimony, has proved the offence committed by the accused and the courts below, on proper appreciation of the oral and documentary evidence has convicted and sentenced the accused and, therefore, this petition for suspension of sentence is liable to be dismissed.

4. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

5. On a consideration of the submissions of either side and taking into consideration the fact that the appeal is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner/accused.

6. Accordingly, the miscellaneous petition is allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that the petitioner executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the Judicial Magistrate No.II, Virudhunagar, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

sd/-
12/09/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB DIVISIONAL EXECUTE MAGISTRATE AND
REVENUE DIVISIONAL OFFICER,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
SOOLAKKARAI CIRCLE,
VIRUDHUNAGAR DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.M.SEENI SULTHAN, Advocate
(SR-15297[I] dated 12/09/2019)

ORDER
IN
CRL MP(MD) No.7693 of 2019
IN
CRL RC(MD) No.631 of 2019
Date :12/09/2019

CM
ES/PN/SAR 1/17.09.2019/3P/8C

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