



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

Thursday, the Twenty Second day of August Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.7427 of 2019

IN

CRL A(MD) No.367 of 2019

M.CHINNASAMY

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
CRIME NO.432 of 2017

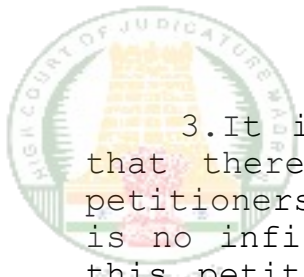
... RESPONDENT/ RESPONDENT

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 / appellant by the Principal Sessions Court, Karur in S.C. 30/2018 dated 26/07/2019 and enlarge him on bail pending disposal of the above Criminal Appeal 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 M/S.S.DEVASENA, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., 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 offence under Section 304(ii) I.P.C, sentenced to under go rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a further period of three months in S.C.No.30 of 2018, on the file of the learned Principal Sessions Court, Karur.

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. It is further submitted that the Court below already suspended the sentence till 27.08.2019.



3.It is submitted by the learned Additional Public Prosecutor 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 Court below suspended the sentence till 27.08.2019.

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 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. Hence, suspension of sentence already granted by the Court below 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 petitioner is 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 Principal Sessions Court, Karur and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m., pending appeal.

sd/-
22/08/2019

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SESSIONS JUDGE, KARUR.
2. THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.S.DEVASENA Advocate SR.No.13891

ORDER IN
CRL MP(MD) No.7427 of 2019
IN CRL A(MD) No.367 of 2019
Date :22/08/2019

TK/MMS/SAR.1/26.08.2019/2P/5C