



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

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.7399 of 2019

IN

CRL RC(MD) No.592 of 2019

1 MURUGAN

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
RAJAKKAMANGALAM,
KANYAKUMARI DISTRICT,
CR NO. 89/2012

... 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 against the Petitioner in C.C No. 23/2014 Learned Chief Judicial Magistrate, Nagercoil wherein the Petitioner was convicted and sentenced on 19.06.2015 which was confirmed in C.A No. 33/2013 on the file of the learned Additional District and sessions court(fast Tract Court), Kanyakumar at Nagercoil on 17.07.2019 and enlarge the petitioner on bail, pending the disposal of the above CRL RC(MD) No.592 of 2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. M. SARAVANAN, Advocate for the petitioner and of MR.R.ANANDHARAJ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the offence under Section 279 of IPC, sentenced to undergo rigorous imprisonment for a period of six months and for the offence under Section 337 of IPC, sentenced to undergo rigorous imprisonment for a period of three months and for the offence under Section 304 of IPC, sentenced to undergo rigorous imprisonment for a period of one year and to pay fine Rs.2,000/- i/d undergo simple imprisonment for a period of three months in C.C.No.23 of 2014, on the file of the learned Chief Judicial Magistrate, Nagercoil.



2.The learned Additional District and Sessions Court (Fast Track Court), Kanyakumari at Nagercoil confirmed the conviction and 17.07.2019.

3.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.

4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail 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 the learned Chief Judicial Magistrate, Nagercoil;

(ii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m., pending revision.

sd/-
27/08/2019

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



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS COURT
(FAST TRACK COURT), KANYAKUMARI AT NAGERCOIL

2 THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
RAJAKKAMANGALAM,
KANYAKUMARI DISTRICT,

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

4 CHIEF JUDICIAL MAGISTRATE, NAGERCOIL.

+1. C.C. to M/S. M. SARAIVANAN Advocate SR.No.14229

ORDER
IN
CRL MP(MD) No.7399 of 2019
IN
CRL RC(MD) No.592 of 2019
Date :27/08/2019

TR/PN/SAR-I (03.09.2019) 3P 6C