

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) Nos.7870, 7871, 7873, 7875, 7896, 7898,
7899, 7901 and 7902 of 2019
IN

CRL RC(MD) Nos.654 to 657, 659 to 663 of 2019

Shankar @ Vettu Shankar ...Petitioner in all the Petitions
- Vs. -

The Inspector of Police
Karur Town Police Station,
Karur District.
in Crime No.323 of 2014.... Respondent /Respondent
in CRL MP(MD)No. 7870/ 2019

The Inspector of Police
Pasupathipalayam Police Station,
Karur District. ... Respondent /Respondent
in CRL MP(MD)Nos. 7871, 7873, 7875,
7896, 7898, 7899, 7901 and 7902 of 2019

Crime No.250 of 2014... in CRL MP(MD)No. 7871/2019
Crime No.42 of 2014 ... in CRL MP(MD)No. 7873/ 2019
Crime No.28 of 2014 ... in CRL MP(MD)No. 7875/ 2019
Crime No.219 of 2014... in CRL MP(MD)No. 7896/ 2019
Crime No.146 of 2014... in CRL MP(MD)No. 7898/ 2019
Crime No.190 of 2014... in CRL MP(MD)No. 7899/ 2019
Crime No.540 of 2013... in CRL MP(MD)No. 7901/ 2019
Crime No.37 of 2014... in CRL MP(MD)No. 7902/ 2019

Prayer in CRL MP(MD)No. 7870/ 2019 :

To enlarge the petitioner / appeallant on bail by suspending the sentence imposed on him by judgment dt.28.09.2018 in C.A.No.126 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7871/ 2019 :

To enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.122 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7873/ 2019 :

To enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.127 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7875/ 2019 :

To enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.123 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7896/ 2019 :

to enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.128 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7898/ 2019 :

to enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.129 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7899/ 2019 :

to enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.125 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL MP(MD)No. 7901/ 2019 :

to enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.121 of 2018 on the file of the Additional Sessions judge, Karur.

Prayer in CRL MP(MD)No. 7902/ 2019 :

to enlarge the petitioner / appellant on bail by suspending the sentence imposed on him by judgment dated 28.09.2018 in C.A.No.124 of 2018 on the file of the Additional Sessions Judge, Karur.

COMMON ORDER : These Petition coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S. M. SURESH, Advocate for the petitioner in all the Petitions, and of Mrs.M.Anantha Devi, Government Advocate (Crl. Side), on behalf of the Respondents in all the Petitions, the court made the following order:-

The petitioner/accused in all petitions are one and the same. He was charged and tried before the Judicial Magistrate No.I, Karur, in C.C. Nos.355 of 2016, 332 of 2015, 388 of 2015, 333 of 2015, 412 of 2015, 413 of 2015, 350 of 2015, 272 of 2015 and 351 of 2015 and found guilty u/s 457 and 380 IPC and sentenced to undergo simple imprisonment for 3 years and pay a fine of Rs.300/- in default to undergo simple imprisonment for one week in each of the case. Against the said conviction and sentence, the petitioner preferred appeals before the Court of Additional Sessions Judge, Karur in C.A. Nos.121 to 129 of 2018 which were partly allowed confirming the conviction and modifying the sentence, from 3 years to 1 year while retaining the fine amount for each offence by order dated 28.09.2018 in each of the appeal. Aggrieved by the said conviction and sentence, the present revisions have 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 revisions 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, the petitions 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 revisions are not likely to be taken up for hearing in the near future, this Court is of the considered view that these are fit cases 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 petitions are allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the revisions and the petitioner is directed to be enlarged on bail on condition that the petitioner executes a bond of Rs.10,000/- with two sureties, each for a likesum, to

the satisfaction of the Judicial Magistrate No.I, Karur, 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 Additional Sessions Judge,
Karur.
- 2.The Judicial Magistrate No.I, Karur.
- 3.-do-thro-The Chief Judicial Magistrate,
Karur District.
- 4.The Inspector of Police
Karur Town Police Station,
Karur District.
- 5.The Inspector of Police
Pasupathipalayam Police Station,
Karur District.
- 6.The Superintendent,
Central Prison, Trichy.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SURESH, Advocate (SR-15293[I] dated 12/09/2019)

ORDER IN
CRL MP (MD) Nos.7870, 7871, 7873,
7875, 7896, 7898, 7899, 7901
and 7902 of 2019

IN
CRL RC (MD) Nos.654 to 657,
659 to 663 of 2019

Date :12/09/2019

cm
ES/PN/SAR 2/17.09.2019/4P/9C

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