



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

Wednesday, the Twenty Eighth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.7597 of 2019

IN

CRL RC(MD) No.617 of 2019

JAYARAJ

... PETITIONER/ PETITIONER

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.31 OF 2007

... 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 by the Additional District and Sessions Court, Virudhunagar in CRL.A.No.28 of 2016 dated 02.08.2019 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Aruppukottai in C.C.No.289 of 2007 on 02.03.2010.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr. M. JOTHI BASU, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL RC, 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 304(a) of IPC and sentenced to undergo simple imprisonment for a period of four months in C.C.No.289 of 2007, on the file of the Judicial Magistrate, Aruppukkottai.

2.The learned Additional District and Sessions Court, Virudhunagar confirmed the conviction and sentence and dismissed the Criminal Appeal No.28 of 2016 on 02.08.2019.

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 Additional Public Prosecutor appearing 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 Judicial Magistrate Court, Aruppukottai;

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

sd/-
28/08/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2.THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

3.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



4.THE SUB INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to Mr.M.JOTHI BASU Advocate SR.No.14209

ORDER
IN
CRL MP (MD) No.7597 of 2019
IN
CRL RC (MD) No.617 of 2019
Date :28/08/2019

TK/JC/SAR.1/05.09.2019/3P/7C