

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.3375 of 2020

in Crl.RC.No.1062 of 2018

1. Arulkumar
S/o.Selvam,
Pallakkadu,
Jalagandapuram,
Mettur Taluk, Salem District.
2. Shanmugam,
S/o. Vadivel,
Ramagoundanur,
Jalagandapuram,
Mettur Taluk, Salem District.
3. Vijayakumar
S/o. Paramasivam,
Kapparathanpatti,
Jalagandapuram,
Mettur Taluk, Salem District.
4. Venkatesh
S/o. Govindaraj,
Pallakkadu,
Jalagandapuram,
Mettur Taluk, Salem District. Petitioners

Vs.

The State Rep. By,
Inspector of Police,
Magudanchavadi Police Station,
Salem District.

(Crime No.543 of 2015)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 21.08.2018 made in C.A.No.67 of 2018 on the file of the learned III Additional Sessions Judge, Salem confirming the judgment dated 21.03.2018 made in S.C.No.160 of 2017 on the file of the learned Assistant Sessions Judge, Sankari and enlarge the petitioners on bail pending disposal of the above Crl.RC.No.1062 of 2018 before this Court.

For petitioners : Mr.S.N.Arun Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This criminal miscellaneous petition has been filed praying to enlarge the petitioners on bail by suspending the sentence imposed in the judgment dated 21.08.2018 made in C.A.No.67 of 2018 on the file of the learned III Additional Sessions Judge, Salem confirming the judgment dated 21.03.2018 made in S.C.No.160 of 2017 on the file of the learned Assistant Sessions Judge, Sankari and enlarge the petitioners on bail pending disposal of the above CrI.RC.No.1062 of 2018.

2. The petitioners were convicted for the offences under Sections 395 IPC r/w. 511 IPC by the learned Assistant Sessions Judge, Sankari. The petitioners were convicted for the offence under Section 395 IPC r/w. 511 IPC and sentenced to undergo simple imprisonment for 5 years and also imposed fine amount of Rs.10,000/-, in default to undergo simple imprisonment for three months. Aggrieved by the same, the petitioners have preferred the above revision.

3. The learned counsel for the petitioners would submit that there are lot of discrepancies in the evidence and also material contradictions in the evidence of prosecution and the prosecution evidence is also highly unbelievable. He would further submit that through out the trial the petitioners were on bail and the petitioners also paid the fine amount imposed by the trial court.

4. Heard Mr.S.N.Arun Kumar, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case and the fact that there is no change in circumstances, this Court is not inclined to suspend the sentence imposed on the petitioners by the trial court.

Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-

02/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL SESSIONS
COURT, SALEM

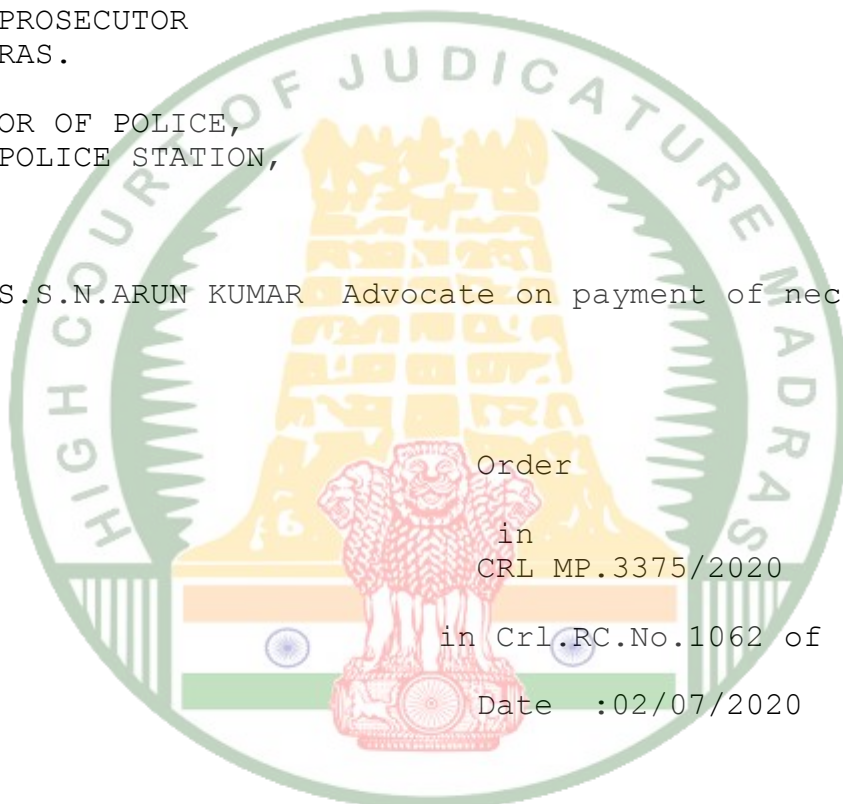
2 THE ASSISTANT SESSIONS COURT
SANKARI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT

C.C. to M/S.S.N.ARUN KUMAR Advocate on payment of necessary
charges



From 7.2.2001 the Registry is issuing certified
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rd 21/07/2020

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