



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

Tuesday, the Twenty Eighth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.531 of 2020

IN

CRL A(MD) No.42 of 2020

RAYAN

... PETITIONER/APPELLANT/ACCUSED NO.1

Vs

THE STATE REP.BY THE
INSPECTOR OF POLICE
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.394 OF 2015

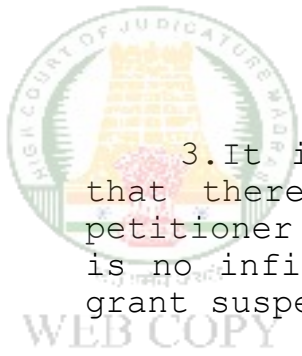
... RESPONDENT/RESPONDENT COMPLAINANT

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 judgment dt 17.09.2019 made in S.C.No.97 of 2018 on the file of the Assistant Sessions Judge, Tiruchendur and enlarge the petitioners on bail pending disposal of the above 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 Mr.J.Sulthan Basha, Advocate for M/S.AJMAL ASSOCIATES for the petitioner and of Mr.V.Neelakandan, Additional Public Prosecutor for the Respondent, 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 341 of IPC, and to pay a fine of Rs.5,00/-, and for the alleged offence under Section 294(b), and to pay a fine of Rs.5,00/- and for the alleged offence under Section 307 of IPC and sentenced him to undergo simple imprisonment for a period of ten years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of six months in S.C.No.97 of 2018 on the file of the learned Assistant Sessions Judge, Tiruchendur.

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.



3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either 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.

6.Accordingly, the suspension of sentence 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 the petitioner shall execute 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 Judicial Magistrate Court, Tiruchendur, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
28/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ASSISTANT SESSIONS JUDGE,
TIRUCHENDUR.
- 2 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
- 3 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



4 THE SUPERINTENDENT ,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

5. THE INSPECTOR OF POLICE
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1729 dated 29/01/2020)

ORDER
IN
CRL MP(MD) No.531 of 2020
IN
CRL A(MD) No.42 of 2020
Date :28/01/2020

VSD
ES/PN/SAR 2/29.01.2020/3P/8C