



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

Tuesday, the Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.377 & 378 of 2020

IN

CRL RC(MD) No.44 of 2020

SUBRAMANI

... PETITIONER/ APPELLANT
IN BOTH THE PETITIONS

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVAIYARU, THANJAVUR DISTRICT.

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

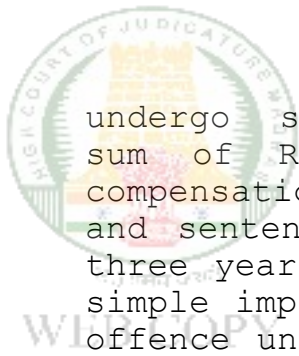
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in Crl.A.No.61/2016 dated 30.05.2019 on the file of the I Additional District and Sessions Judge, Thanjavur modify the judgment of conviction passed in C.C.No.53/2009 dated 02.11.2016 on the file of the Judicial Magistrate, Thiruvaiyaru and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD). 378/ 2020 :

To exempt the petitioner s surrender in Crl.A.No.61/2016 dated 30.05.2019 on the file of the I Additional District and Sessions Judge, Thanjavur modify the judgment of conviction passed in C.C.No.53/2009 dated 02.11.2016 on the file of the Judicial Magistrate, Thiruvaiyaru and enlarge the petitioner on bail pending disposal of the above criminal revision petition 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 M/S.A.ARUN PRASAD, Advocate for the petitioner in both the petitions and of MR.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.Side) on behalf of the Respondents in both the petitions, 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



undergo simple imprisonment for a period of one year and to pay a sum of Rs.50,000/- (Rupees Fifty thousand only) to PW.1 as compensation and for the alleged offence under Section 493 of IPC and sentenced him to undergo simple imprisonment for a period of three years and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of two months and for the alleged offence under Section 506(ii) of IPC, and sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of two months in C.C.No.53 of 2009, on the file of the learned Judicial Magistrate, Thiruvaiyaru.

2.The learned I Additional District and Sessions Judge Thanjavur, modified the conviction and sentence and partly allowed the Criminal Appeal No.61 of 2016, dated 30.05.2019.

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 Government Advocate (Crl.side) 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 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, Thiruvaiyaru;

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



8. The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
04/02/2020

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/ /2020

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

TO

- 1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. C.C. to M/S. A. ARUN PRASAD Advocate SR.No.2284 & 2285

ORDER
IN
CRL MP(MD) Nos.377
& 378 of 2020
IN
CRL RC(MD) No.44 of 2020
Date :04/02/2020

VSD
JM/VR/SAR 3/06.02.2020/3P/8C