



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

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.150 of 2020
IN
CRL A(MD) No.17 of 2020

1 MUTHU @ SUDHAKAR
2 MUTHU @ SURESH
3 GANESAN
4 SHANTHI

... PETITIONERS/ APPELLANTS/
ACCUSED 1 TO 4

Vs

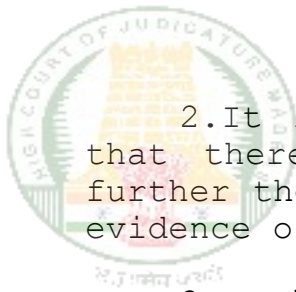
STATE REP.BY
THE ASSISTANT COMMISSIONER OF POLICE,
THILAGAR THIDAL (L AND O) RANGE,
MADURAI CITY POLICE, MADURAI.
IN CRIME NO.904/2012

... 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 execution of sentence of the petitioners / appellants 1 to 4 passed by the Trial Court in Sessions Case No.254/2013 on the file of the Learned Sessions Judge, Mahalir Neethi Mandram, Madurai till the disposal of above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAJA KARTHIKEYAN, Advocate for the petitioners and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl.side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 498(A) of IPC, and sentenced to undergo rigorous imprisonment for a period of three years each and to pay a fine of Rs.2,000/- each, in default to undergo rigorous imprisonment for a period of three months each and for the alleged offence under Section 304(B) of IPC and sentenced to undergo rigorous imprisonment for a period of seven years each and to pay a fine of Rs.3,000/- each, in default to undergo rigorous imprisonment for a period of three months each in S.C.No.254 of 2013 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai.



2.It is submitted by the learned counsel for the petitioners 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 Government Advocate (Crl.side) that there are enough materials available on record against the petitioners 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 petitioners 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 petitioners herein are 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 petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Madurai, and on further condition that the petitioners shall appear before the said Court daily at 10.30 a.m pending appeal.

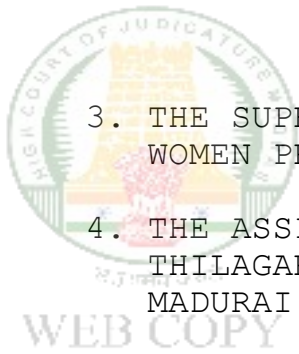
sd/-
07/02/2020

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDAM, MADURAI.
2. THE SUPERINTENDENT,CENTRAL JAIL,
MADURAI.



3. THE SUPERINTENDENT,
WOMEN PRISON, CENTRAL JAIL, MADURAI.

4. THE ASSISTANT COMMISSIONER OF POLICE,
THILAGAR THIDAL (L AND O) RANGE,
MADURAI CITY POLICE, MADURAI.

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

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-2623[I] dated
10/02/2020)

ORDER

IN

CRL MP(MD) No.150 of 2020

IN

CRL A(MD) No.17 of 2020

Date :07/02/2020

MS/PN/SAR-3/10.02.2020/3P.7C