



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

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.258 of 2020
IN
CRL RC(MD) No.30 of 2020

T.MANOCHARAN

... PETITIONER/ PETITIONER

Vs

SUBRAMANIAN

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by Suspending the Sentence imposed upon the me in C.C.No.191 of 2009 on the file of the learned Judicial Magistrate, Tirumangalam, Madurai District, by Judgment dated 05/05/2017 which had been confirmed in Crl.A.No.44 of 2017 on the file of the Learned IV Additional District and Sessions Judge, Madurai, Madurai District vide Judgment dated 17.12.2019 pending disposal of the main Criminal Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner and of No Appearance either in person or by an Advocate for the respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence imposed on the petitioner by the Judicial Magistrate, Thirumangalam, Madurai, in C.C.No.191 of 2009, dated 05.05.2017, which was confirmed by the IV Additional District and Sessions Judge, Madurai, dated 17.12.2019 in Crl.A.No.44 of 2017.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial court for the offence under section 423 IPC and directed to pay a fine of Rs.5,000/-, in default to undergo 2 months SI and for the offence under section 465 directed to pay Rs.5,000/-, in default to undergo 2 months SI and for the offence under section 471 IPC, sentenced him to undergo 2 years SI and to pay a fine of Rs.1,000/-, in default to undergo 2 months SI.



3.The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he was falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars and prays for suspension of sentence.

4.On the other hand, it is submitted by the learned counsel appearing for the respondent that both courts below have rightly convicted the petitioner and there are enough materials available on record against the petitioner 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 forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out 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, this petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he 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, Thirumangalam and on further condition that the petitioner shall appear before the said court daily at 10.30 am pending revision.

sd/-
24/02/2020

/ TRUE COPY /

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

TO

1.THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI, MADURAI DISTRICT.

2.THE JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/>



3.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1. C.C. to M/S.A.THIRUVADI KUMAR Advocate SR.No.3929

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ORDER
IN
CRL MP (MD) No.258 of 2020
IN
CRL RC (MD) No.30 of 2020
Date :24/02/2020

er
TK/VR/SAR.1/25.02.2020/3P/5C