



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

Friday, the Fourteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.388 of 2020
IN
CRL RC(MD) No.49 of 2020

SOMASUNDARAM @ SARAVANAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUNEELKUDI POLICE STATION,
THANJAVUR DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by Learned Chief Judicial Magistrate, Thanjavur at Kumbakonam in S.C.No.7/2013 by the judgment dated 05.10.2017, confirmed by the Learned Additional District and Sessions Judge, (Fast Track Court) Kumbakonam in Crl.A.No.70 of 2017, by the judgement dated 18.12.2019 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision 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.S.PRABHA, Advocate for the petitioner 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 petitioner submitted that the petitioner has been convicted for the alleged offences under Sections 307 and 294(b) of I.P.C., by judgment dated 05.10.2017 in S.C.No.7 of 2013, on the file of the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam. He is sentenced to undergo four years rigorous imprisonment and pay a fine of Rs.10,000/- in default to undergo six months simple imprisonments for the offence under Section 307 of IPC. He is also sentenced to undergo three months simple imprisonment and pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 294(b) of IPC. The above sentences shall run concurrently. Hence, the petitioner seeks suspension of sentence.



2.The learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, confirmed the conviction and sentence and dismissed the Criminal Appeal No.70 of 2017, dated 18.12.2019.

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 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 learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m and 5.00 p.m pending revision.

sd/-
14/02/2020

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



TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
(FAST TRACK COURT), KUMBAKONAM.

2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE
THIRUNEELKUDI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. C.C. to M/S.S.PRABHA Advocate SR.No.3139

ORDER
IN
CRL MP (MD) No.388 of 2020
IN
CRL RC (MD) No.49 of 2020
Date :14/02/2020

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TK/VR/SAR.3/17.02.2020/3P/6C