



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

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL.M.P. (MD) Nos.538 & 539 of 2020
IN
CRL RC (MD) No.59 of 2020

GOPAL

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.419 OF 2013)

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL.M.P. (MD) No.538 of 2020

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 in Crl.A.No.21/2019 dated 17.10.2019 on the file of IVth Additional Sessions Court, Tirunelveli by confirming the judgement made in C.C.No.748/2014 dated 08.02.2019 on the file of the Judicial Magistrate Court, Sankarankovil.

Prayer in CRL MP(MD) . 539/ 2020 :

To grant an exemption, exempting the petitioner from undergoing the sentence imposed in Crl.A.No.21/2019 dated 17.10.2019 on the file of IVth Additional Sessions Court, Tirunelveli by confirming the judgement made in C.C.No.748/2014 dated 08.02.2019 on the file of the Judicial Magistrate Court, Sankarankovil.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.R.J.KARTHICK, Advocate for the petitioner in both the petitions and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocte(Crl.Side) on behalf of the Respondent in both the petitions, the court made the following order:-

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



The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 325 of IPC, and sentenced to undergo simple imprisonment for a period three months, and to pay a fine of Rs.1000/- (Rupees One Thousand only), in default to undergo simple imprisonment for a period of two months in C.C.No.748 of 2019 on the file of the learned Judicial Magistrate Court, Sankarankovil.

2.The learned IV Additional Sessions Court, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.21 of 2019, dated 17.10.2019.

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 Court, Sankarankovil.

(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/-
31/01/2020

/ TRUE COPY /

WEB COPY

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

TO

1. THE IV ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.
 2. THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 4. THE SUB INSPECTOR OF POLICE
SANKARANKOVIL TOWN POLICE STATION, TENKASI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.J.KARTHICK, Advocate (SR-2123[I] dated 03/02/2020)

ORDER IN
CRL.M.P. (MD) Nos.538 & 539 of 2020
IN CRL RC (MD) No.59 of 2020
Date :31/01/2020

MS/PN/SAR-2/03.02.2020/3P.7C