



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

Wednesday, the Twenty Second day of January Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.284 of 2020

IN

CRL A(MD) No.461 of 2019

S.MURUGESAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION, SRIRANGAM,
TRICHIRAPPALLI,
CRIME NO.483 OF 2016

... 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 passed by the learned I Additional District and Sessions Court (PCR) Trichirappalli in S.C.No.53 of 2017, dated 07/09/2019 and enlarge the petitioner on bail pending disposal of the above Crl.A. 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 MR.J.SANJEY VIGNESH, Advocate for the petitioner and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, 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 alleged offence under Section 147 of IPC, and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of two months and for the alleged offence under Section 304(ii) r/w 149 of IPC and sentenced him to undergo rigorous imprisonment for a period of eight years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of twelve months and for the alleged offence under Section 323 r/w 149 of IPC and to pay a fine of Rs.7,50/- in default to undergo simple imprisonment for a period of one month in S.C.No.53 of 2017 on the file of the I Additional District and Sessions Court (PCR), Trichirappalli.

2.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 prosecution witnesses.



3.It is submitted by the learned Additional Public Prosecutor 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 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 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 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 petitioner herein is 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 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 I Additional District and Sessions Court (PCR), Trichirappalli, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
22/01/2020

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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 (PCR), TRICHIRAPPALLI.

2 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
SRIRANGAM, TRICHIRAPPALLI.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.



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

+1 CC to M/s.J.SANJAY VICNESH, Advocate (SR-1226[I] dated
23/01/2020)

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ORDER
IN
CRL MP(MD) No.284 of 2020
IN
CRL A(MD) No.461 of 2019
Date :22/01/2020

VSD
JM/VR/SAR 2/23.01.2020/3P/6C