



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

Monday, the Tenth day of February Two Thousand Twenty

PRESENT

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

CRL.M.P. (MD) Nos.613 and 614 of 2020  
IN  
CRL RC (MD) No.65 of 2020

SIVAMANI

... PETITIONER/ PETITIONER/  
APPELLANT/ 1<sup>st</sup> ACCUSED  
IN BOTH THE PETITIONS

Vs

STATE REP.BY  
THE SUB INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
ALANGUDI, PUDUKKOTTAI DISTRICT.  
(CRIME NO.146 OF 2008)

... RESPONDENT/ RESPONDENT/  
RESPONDENT/ COMPLAINANT  
IN BOTH THE PETITIONS

**Prayer in CRL MP(MD) . 613/ 2020 :**

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Crl.A. No.08 of 2015 on the file of the Additional District and Sessions Judge, Pudukkottai dated 01.11.2019 and release the petitioner on bail pending disposal of the above revision.

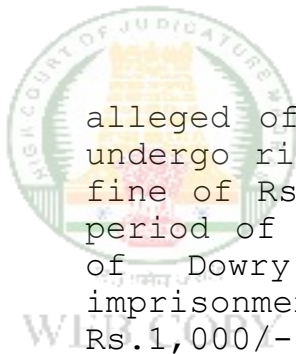
**Prayer in CRL MP(MD) . 614/ 2020 :**

to exempt the petitioner herein from surrendering in connection with the judgment in Criminal Appeal before this Hon'ble Court against the Judgment dated 01.11.2019 in Crl.A. No.08 of 2015 on the file of the Additional District and Sessions Judge, Pudukkottai till the disposal of the above revision.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.K.C.MANIYARASU, Advocate for the petitioner in both the petitions and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.Side) on behalf of the Respondent in both the petitions, 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

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alleged offence under Section 498(A) of IPC, and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 4 of Dowry Prohibition Act, and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months in C.C.No.100 of 2009 on the file of the learned Judicial Magistrate, Alangudi.

2.The learned Additional District and Sessions Judge, Pudukkottai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.08 of 2015, dated 01.11.2019.

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 he strongly opposed to grant suspension of sentence.

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 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.

7.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 learned Judicial Magistrate, Alangudi, Pudukkottai District, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m pending appeal.



8.The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-  
10/02/2020

/ TRUE COPY /

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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,  
PUDUKKOTTAI.
2. THE JUDICIAL MAGISTRATE, ALANGUDI,  
PUDUKKOTTAI DISTRICT.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKKOTTAI DISTRICT.
4. THE SUB INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
ALANGUDI, PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.K.C.MANIYARASU, Advocate ( SR-2742[I] dated  
10/02/2020 )

ORDER IN  
CRL.M.P. (MD) Nos.613 and 614 of 2020  
IN CRL RC(MD) No.65 of 2020  
Date :10/02/2020

MS/VR/SAR-1/12.02.2020/3P.7C