



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) Nos.819 and 821 of 2020
IN
CRL RC(MD) No.91 of 2020

MUTHAIAH

... PETITIONER/ PETITIONER
IN BOTH PETITIONS

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.566 OF 2007

... RESPONDENT/RESPONDENT

PRAYER IN CRL MP(MD)No.819 of 2020 in CRL RC(MD) No.91 of 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 order passed in C.A.No.102/2013 on the file of the Principal District and Sessions Court, Virudhunagar at Srivilliputhur dated 01.10.2019 and confirming the conviction and sentence order passed in C.C.No.228/2007 on the file of the Judicial Magistrate Court, Rajapalayam dated 04.07.2013 pending disposal of this Criminal Revision Petition.

PRAYER IN CRL MP(MD)No.821 of 2020 in CRL RC(MD) No.91 of 2020:

To exempt the petitioner from surrendering in C.A.No.102/2013 on the file of the Principal District and Sessions Court, Virudhunagar at Srivilliputhur dated 01.10.2019 and confirming the conviction and sentence order passed in C.C.No.228/2007 on the file of the Judicial Magistrate Court, Rajapalayam dated 04.07.2013 pending disposal of this Criminal Revision Petition.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr. B. MANIMARAN, Advocate for the petitioner in both petitions, and



of Mr.A.P.G.Ohm Chairma Prabhu, Government Advocate (Crl.Side) on behalf of the Respondent in both 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 alleged offence under Section 304(A) of IPC and sentenced him to undergo simple 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.228 of 2007 on the file of the learned Judicial Magistrate, Rajapalayam.

2.The learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur, confirmed the conviction and sentence and dismissed the Crl.A.No.102 of 2013, 01.10.2019.

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 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 Court, Rajapalayam, and on further condition that the petitioner shall appear before the concerned 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/-
24/02/2020

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

TO

1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

2.THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

3.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4.THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+3. C.C. to M.SELVAKUMAR Advocate SR.Nos.3796 to 3798

ORDER
IN
CRL MP(MD) Nos.819 and
821 of 2020 IN
CRL RC(MD) No.91 of 2020
Date :24/02/2020

vsd
TK/VR/SAR.1/25.02.2020/3P/9C