



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

Thursday, the Fifth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) Nos.1203 & 1204 of 2020
IN CRL RC(MD) No.81 of 2020

RAVINDRAKUMAR

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE
VANNIAMPATTI POLICE STATION,
VIRDHUNAGAR DISTRICT.
(CRIME NO.96/2010)

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

CRL MP(MD) No.1203 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 imposed by the District and Sessions Court, Sriviliputhur @ Virudhunagar vide judgment in C.A.No.138/2012 dated 04.11.2019 and confirming the Learned Judicial Magistrate No.II, Srivilliputhur vide judgment in C.C.No. 167/2011 dated 29.08.2012 and enlarge the petitioner on bail pending disposal of the main revision.

Prayer in CRL MP(MD) . 1204/ 2020 :

To exempt the petitioner from surrendering before the Trial Court pursuant to the judgment and sentence passed by the District and Sessions Court, Sriviliputhur @ Virudhunagar vide judgment in C.A.No.138/2012 dated 04.11.2019 and confirming the learned Judicial Magistrate No.II, srivilliputhur vide judgment in C.C.No.167 of 2011 dated 29.08.2012 in the main revision.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.R.RAMASAMY, 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 alleged offence under Section 15(3) of Indian Medical Council Act and sentenced him to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of two months in C.C.No.167 of 2011



on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

2.The learned Additional District Judge, Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.138 of 2012, dated 04.11.2019.

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 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 No.II, Srivilliputhur, 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/-
05/03/2020

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



TO

1. THE DISTRICT AND SESSIONS JUDGE,
SRIVIVILLIPUTHUR AT VIRUDHUNAGAR.

2. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

4. THE SUB-INSPECTOR OF POLICE
VANNIAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.RAMASAMY, Advocate (SR-4840[I] dated 05/03/2020)

ORDER IN
CRL MP(MD) Nos.1203 & 1204 of 2020
IN CRL RC(MD) No.81 of 2020
Date :05/03/2020

MS/PN/SAR-2/06.03.2020/3P.7C