



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

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.1345 and 1347 of 2020
IN
CRL RC(MD) No.155 of 2020

PITCHAIVELU

... PETITIONER/PETITIONER
IN BOTH PETITIONS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.367/2011

... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.1345 of 2020 IN CRL RC(MD) No.155 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 upon the petitioner passed by the Principal Sessions Judge, Trichy in Crl.A.No.133 of 2018 dated 31/10/2019 confirmed the conviction on the petitioner by the learned Judicial Magistrate Court, Musiri in C.C.NO.76 of 2012 dated 12.10.2018 pending disposal of the Criminal Revision Petition and thus render justice.

PRAYER IN CRL MP(MD)No.1347 of 2020 IN CRL RC(MD) No.155 of 2020:

To exempt the petitioner from surrendering on the basis of the judgment passed by the Principal Sessions Judge, Trichy in Crl.A.No.133 of 2018 dated 31/10/2019 confirmed the conviction on the petitioner by the Learned Judicial Magistrate Court, Musiri in C.C.NO.76 of 2012 dated 12.10.2018 pending disposal of the Criminal Revision Petition and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.S.MUNIYANDI, 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 trial Court for the alleged offence under Section 325 of IPC, 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 one month in C.C.No.76 of 2012, on the file of the learned Judicial Magistrate, Musiri.

2.The learned Principal Sessions Judge, Tiruchirappalli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.133 of 2018, dated 31.10.2018.

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 counsel for the respondent that there are enough materials available on record against the petitioner 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 learned Judicial Magistrate, Musiri.

(iii) and on further condition that the petitioner shall appear before the said Court on 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/-
21/02/2020

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

TO

- 1.THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPPALLI.
 - 2.THE JUDICIAL MAGISTRATE, MUSIRI.
 - 3.THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 4.THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.R.MANOCHARAN Advocate SR.No.3984

ORDER
IN
CRL MP(MD) Nos.1345 and 1347
of 2020 IN
CRL RC(MD) No.155 of 2020
Date :21/02/2020

vsd
TK/VR/SAR.1/25.02.2020/3P/7C