



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

Thursday, the Twenty Seventh day of February Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL.M.P. (MD) Nos.1798 and 1799 of 2020
IN CRL RC (MD) No.200 of 2020

SUNDAR

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
(CRIME NO.114/2007)

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL.M.P. (MD) No.1798 of 2020

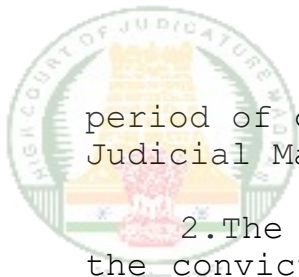
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgment dated 06.11.2019 passed in C.A.No.90/2018 on the file of the Principal Session Court, Thoothukudi confirming the judgment dated 19.11.2018 passed in C.C.No.207/2007 on the file of the Judicial Magistrate Court No.I, Thoothukudi and enlarge the petitioner on bail.

Prayer in CRL MP(MD) . 1799/ 2020 :

To exempt the petitioner to surrender before the Lower Appellate Court to take the judgment dated 06.11.2019 passed in C.A.No. 90/2018 on the file of the Principal Sessions Court, Thoothukudi confirming the judgment dated 19.11.2018 passed in C.C.No.207 of 2007 on the file of the Judicial Magistrate No.I, Thoothukudi.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.N.PRAGALATHAN, 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 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 one month in C.C.No.207 of 2007 on the file of the learned Judicial Magistrate No.1, Thoothukudi.

2.The learned Principal Sessions Judge, Thoothukudi, confirmed the conviction and sentence and dismissed the Criminal Appeal No.90 of 2018, dated 06.11.2019.

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.1, Thoothukudi, and on further condition that the petitioner shall appear before the said 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/-

27/02/2020

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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, THOOTHUKUDI.

2. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

4. THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4324[I] dated 27/02/2020)

ORDER

IN

CRL.M.P.(MD)Nos.1798 and 1799
of 2020 IN

CRL RC(MD) No.200 of 2020

Date :27/02/2020

MS/VR/SAR-2/28.02.2020/3P.7C