



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

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1597 of 2020

IN

CRL A(MD) No.91 of 2020

1 KUPPUSAMY

2 NALLASAMY

... PETITIONERS/ APPELLANTS

Vs

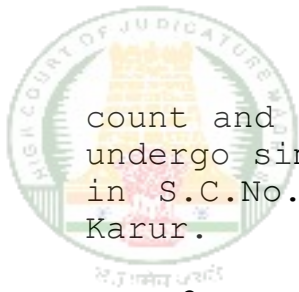
THE DEPUTY SUPERINTENDENT OF POLICE,
KARUR RURAL DIVISION,
KARUR DISTRICT.

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the Sessions Judge, Karur in S.C.No.85 of 2018 dated 27.01.2020.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.KARNAN, Advocate for the petitioners and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel appearing for the petitioners submitted that the first petitioner has been convicted by the trial Court for the alleged offence under Section 294(b) of IPC., and sentenced him to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month and for the alleged offence under Section 323 of IPC (2 counts) r/w Section 3(2)(va) of SC/ST (POA) Act and sentenced him to undergo rigorous imprisonment for a period of one year for each count and to pay a fine of Rs.1,000/- for each count, in default to undergo simple imprisonment for a period of one month for each count and the second petitioner has been convicted by the trial Court for the alleged offence under Section 294(b) of IPC., and sentenced him to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month and for the alleged offence under Section 323 of IPC (3 counts) r/w Section 3(2)(va) of SC/ST (POA) Act and sentenced him to



count and to pay a fine of Rs.1,000/- for each count, in default to undergo simple imprisonment for a period of one month for each count in S.C.No.85 of 2018 on the file of the learned Sessions Judge, Karur.

2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. The learned counsel for the petitioners further submitted that suspension of sentence has already been granted by the trial court till 27.02.2020.

3.It is submitted by the learned Additional Public Prosecutor appearing for the respondent that there are enough materials available on record against the petitioners 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.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioners 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Karur, and on further condition that the petitioners shall appear before the said Court daily at 10.30 a.m pending appeal.

sd/-
20/02/2020

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



TO

1 THE SESSIONS JUDGE,
KARUR.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
KARUR RURAL DIVISION, KARUR DISTRICT.

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

+1. C.C. to M/S.G.KARNAN Advocate SR.No.3649

ORDER

IN

CRL MP(MD) No.1597 of 2020

IN

CRL A(MD) No.91 of 2020

Date :20/02/2020

VSD

JM/VR/SAR 3/21.02.2020/3P/5C