



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

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2345 of 2020

IN

CRL A(MD) No.127 of 2020

REETA

... APPELLANT/ APPELLANT/
ACCUSED

Vs

THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL.
CRIME NO.593/2015

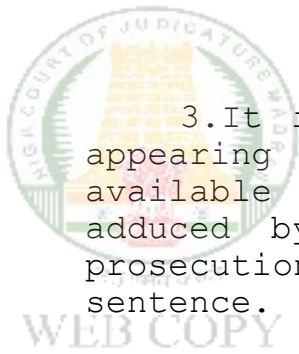
... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of the sentence dated 04/10/2017 passed in C.C.NO.33/2016 by the Learned Judicial Magistrate No.I, Dindigul pending disposal of the above Crl.A. and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.MANIKANDAN, Advocate for the petitioner and of Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., 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 380 of IPC and sentenced her to undergo rigorous imprisonment for a period of three years and for the alleged offence under Section 120(b) of IPC and sentenced her to undergo rigorous imprisonment for a period of three years in C.C.No.33 of 2016 on the file of the learned Judicial Magistrate No.1, Dindigul.

2.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. The learned counsel for the petitioner further submitted that suspension of sentence has already been granted by the trial court till 03.11.2017.



3.It is submitted by the learned Additional Public Prosecutor appearing for the respondent 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 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 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 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 petitioner herein is 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 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.I, Dindigul, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m pending appeal.

sd/-
09/03/2020

/ TRUE COPY /

/ /2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 3. THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION, DINDIGUL.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.MANIKANDAN, Advocate (SR-5003[I] dated 09/03/2020)

ORDER IN
CRL MP(MD) No.2345 of 2020
IN CRL A(MD) No.127 of 2020
Date :09/03/2020