



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

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1874 of 2020
IN
CRL A(MD) No.105 of 2020

VELUSAMY

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
KARUR RURAL DIVISION, KARUR.
CRIME NO.461/2017

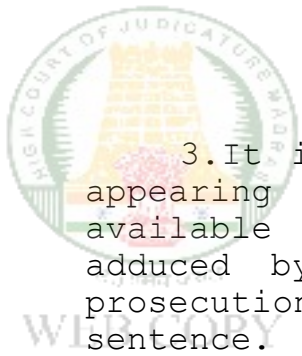
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the operation of the sentence imposed upon the petitioner by the Learned Principal Sessions Judge, Karur in S.C.No.32/2018 dated 10.02.2020, pending disposal of the above Criminal Revision Case.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.SURESH, 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 323 of IPC r/w Section 3(2)(va) of SC/ST (POA) Act and sentenced him to undergo rigorous 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 and for the alleged offence under Section 294(b) and sentenced him to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of one month in S.C.No.32 of 2018 on the file of the learned Sessions Judge, Karur.

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 09.03.2020.



3.It is submitted by the learned Additional Public Prosecutor appearing for the respondent that there are enough materials available on record against the 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 Principal Sessions Judge, Karur, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m pending appeal.

sd/-
26/02/2020

/ TRUE COPY /

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

TO

1.THE PRINCIPAL SESSIONS JUDGE,
KARUR.

2.THE SESSIONS JUDGE,
KARUR.

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



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

+1. C.C. to M/S.K.SURESH Advocate SR.No.4543

WEB COPY

ORDER
IN
CRL MP (MD) No.1874 of 2020
IN
CRL A (MD) No.105 of 2020
Date :26/02/2020

VSD
TK/PN/SAR.2/28.02.2020/3P/6C