



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

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2507 of 2020 IN
CRL A(MD) No.133 of 2020

M.RAJA

... PETITIONER/APPELLANT

Vs

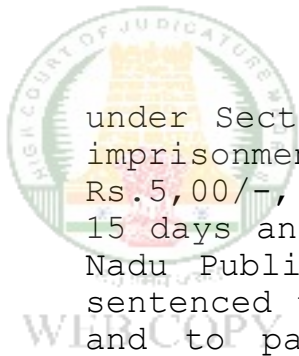
STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR NO.47/2018

... 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 and release the petitioners son namely Raja S/o.Mahendran on bail pending disposal of the Criminal Appeal before this Honourable Court against the judgment in S.C.NO.52 of 2019 on the file of the learned Principal District and Sessions Court, Ramanathapuram, Ramanathapuram District dated 19.02.2020, pending disposal of the main Criminal Appeal on such terms and condition as may be deemed fit 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.D.BALAMURUGAPANDI, Advocate for the petitioner and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.side) on behalf of the Respondent, while admitting the Criminal Appeal, 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 147 of IPC and to pay a fine of Rs.5,00/-, in default to undergo simple imprisonment for a period of 15 days and for the alleged offence under Section 294(b) r/w 149 of IPC and to pay a fine of Rs.5,00/-, in default to undergo simple imprisonment for a period of 15 days and for the alleged offence under Section 324 r/w 149 of IPC, and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of one month and for the alleged offence under Section 323 r/w 149 of IPC and to pay a fine of Rs.5,00/- in default to undergo simple imprisonment for a period of 15 days and for the alleged offence



under Section 451 r/w 149 of IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,00/-, in default to undergo simple imprisonment for a period of 15 days and for the alleged offence under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and sentenced 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 in S.C.No.52 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram District.

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.

3.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 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 Judicial Magistrate Court No.I, Ramanathapuram, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m. and 5.00 p.m. pending appeal.

sd/-
16/03/2020

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



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
2. THE JUDICIAL MAGISTRATE No.1,
RAMANATHAPURAM.
3. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-5346[I] dated
17/03/2020)

ORDER
IN
CRL MP(MD) No.2507 of 2020
IN
CRL A(MD) No.133 of 2020
Date :16/03/2020

VSD
TE/JC/SAR-IV : 18/03/2020 : 3P/8C