



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

Monday, the Eleventh day of May Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2264 of 2020

IN

CRL A(MD) No.123 of 2020

(Thro' V.C)

VEERAMANI @ MANIKANDAN

... PETITIONER/ APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.415/2013

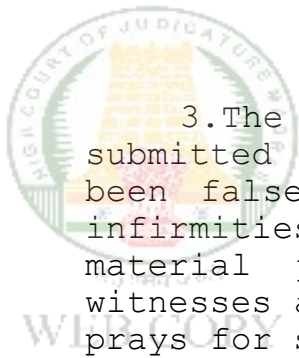
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in S.C.NO.105/2015 dated 17/02/2020 on the file of the Additional District and Sessions Court, Sivagangai and enlarge the petitioner on bail 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.V.KANNAN, Advocate for the petitioner and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence order passed by the Additional District and Sessions Judge, Sivagangai, in S.C.No.105 of 2015, dated 17.02.2020 and enlarge petitioner/A1 on bail pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioner/A1 submitted that the petitioner/A1 was convicted by the trial court for the offence under section 294(b) IPC and sentenced him to undergo rigorous imprisonment for 2 months and for the offence under section 304 (Part I) IPC, sentenced him to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.5,000/-, in default to undergo 6 months rigorous imprisonment.



3.The learned counsel appearing for the petitioner/A1 further submitted that the petitioner/A1 is an innocent person and he has been falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioner/A1 is in jail since 17.02.2020 and prays for suspension of sentence.

4.It is submitted by the learned Additional Public Prosecutor appearing for the respondent/State that the trial court has rightly convicted the petitioner/A1 and other accused person and there are enough materials available on record against the petitioner/A1 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 forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioner/A1 pointed out 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 the petitioner/A1 is in incarceration since 17.02.2020 and as such, this court is of the considered view that the petitioner/A1 herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner/A1 is directed to be enlarged on bail on condition that he 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 additional District and Sessions Judge, Sivagangai and on further condition that the petitioner/A1 shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending appeal.

sd/-
11/05/2020

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE,

<https://hcservices.sivagangai.nic.in/>



2 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL MP (MD) No.2264 of 2020

IN

CRL A (MD) No.123 of 2020

Date :11/05/2020

ER

JM/PN/SAR 2/11.05.2020/3P/5C