



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

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2255 of 2020

IN

CRL RC(MD) No.266 of 2020

MUMMOORTHY

... PETITIONER/ PETITIONER

Vs

SUBRAMANIAN

... 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 by the Learned Judicial Magistrate, Thirumangalam, in C.C.NO.191 of 2009 dated 05/05/2017 which was confirmed in C.A. NO.47 of 2017 on the file of the IV Additional District and Sessions Court, Madurai, dated 17/12/2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.VAKEESWARAN, Advocate for the petitioner and of MR.K.SUDALAIANDI, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence imposed on the petitioner by the learned Judicial Magistrate, Thirumangalam, Madurai, in C.C.No.191 of 2009, dated 05.05.2017, which was confirmed by the learned IV Additional District and Sessions Judge, Madurai, dated 17.12.2019 in Crl.A.No.47 of 2017.

2.The learned counsel appearing for the petitioner submit that the petitioner was convicted by the trial Court for the offence under Section 423 r/w 34 of IPC and directed to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of two months and for the alleged offence under Section 465 r/w 34 of IPC and directed to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of two months and for the alleged offence under Section 471 r/w 34 of IPC and sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of two months in C.C.No.191 of 2009 on the file of the Learned Judicial Magistrate, Thirumangalam.



3.The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he was falsely implicated in this case and there are several infirmities in the prosecution case and there are contradictions in material particulars and prays for suspension of sentence.

4.On the other hand, it is submitted by the learned counsel appearing for the respondent that both Courts below have rightly convicted the petitioner and there are enough materials available on record against the petitioner 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 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 revision and further the criminal revision 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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision 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, Thirumangalam, and on further condition that the petitioner shall appear before the concerned Court daily at 10.30 a.m pending revision.

sd/-
17/03/2020

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

TO

1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.



2. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1 CC to M/s.C.VAKEESVARAN, Advocate (SR-5372[I] dated 17/03/2020)

ORDER
IN
CRL MP (MD) No.2255 of 2020
IN
CRL RC (MD) No.266 of 2020
Date :17/03/2020

MS/PN/SAR-1/18.03.2020/3P.5C