



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

Friday, the Fifth day of June Two Thousand and Twenty

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2690 of 2020 IN
CRL RC(MD) No.316 of 2020

MUNIYANDI

... PETITIONER/PETITIONER

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.29 OF 2012)

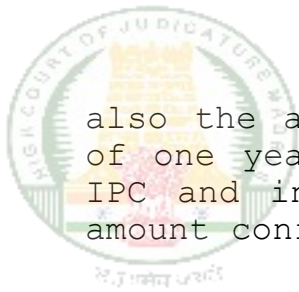
... RESPONDENT/RESPONDENT

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 on the petitioner in the Criminal Appeal No.76 of 2018 dated 17.10.2019 on the file of the Principal Sessions Judge, Thoothukudi and the modifying the Judgment of S.C.No.309 of 2012, dated 07.09.2018 on the file of the Assistant sessions judge, Kovilpatti and enlarge him on bail pending disposal of the Criminal Revision 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.SELVA, Advocate for the petitioner and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in Criminal Appeal No.76 of 2018, dated 17.10.2019 by the Principal Sessions Judge, Thoothukudi and enlarge the petitioner/Accused on bail pending disposal of the criminal revision.

2. The learned counsel appearing for the petitioner/Accused submitted that the trial court convicted the petitioner/Accused and sentenced him to undergo RI for 5 years and to pay a fine of Rs.1,000/-, in default SI for one year for the offence under section 307 IPC and also convicted and sentenced him to undergo RI for one year for the offence under section 324 IPC and on appeal, the first appellate court modified the conviction to the extent that the appellant/Accused shall undergo RI for three years instead of five years for the offence under section 325 IPC instead of 307 IPC and



also the appellant/Accused shall undergo SI for six months instead of one year for the offence under section 323 IPC, instead of 324 IPC and in respect of other aspects, including the imposing fine amount confirmed the judgment of the trial court.

3. The learned counsel appearing for the petitioner/Accused further submitted that the petitioner/Accused is an innocent person and he has not committed any offence as alleged by the prosecution 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 and prays for suspension of sentence.

4. It is submitted by the learned Additional Public Prosecutor appearing for the respondent/State that the first appellate court has rightly convicted the petitioner and there are enough materials available on record against the petitioner/Accused 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/Accused 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 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/Accused 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 revision and the petitioner/Accused 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 Judicial Magistrate, Vilathikulam and on further condition that the petitioner/Accused shall appear before the said court daily twice I.e., at 10.30 am and 05.00 pm pending revision.

sd/-
05/06/2020

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SESSIONS JUDGE,
THOOTHUKUDI.
4. THE ASSISTANT SESSIONS JUDGE,
KOVILPATTI.
5. THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.2690 of 2020 IN

CRL RC(MD) No.316 of 2020

Date :05/06/2020

ER

SRS/ JC/ SAR-II/ 05.06.2020/ 3P/7C