



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

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

WEB COPY

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

CRL MP (MD) No.2397 of 2020

IN

CRL A(MD) No.108 of 2020

1 SELVARAJ  
2 PETER PAULRAJ

... PETITIONERS/ APPELLANTS

Vs

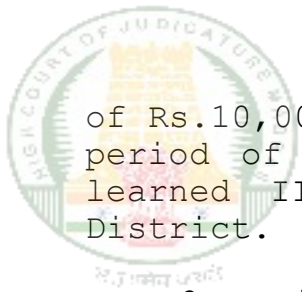
STATE REP.BY  
THE INSPECTOR OF POLICE  
SEIDUNGANALLUR POLICE STATION,  
SEIDUNGANALLUR,  
THOOTHUKUDI DISTRICT.  
(CRIME NO.119 OF 2016)

... 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 by the learned 2<sup>nd</sup> Additional District Sessions Judge, Thoothukudi in S.C.No.284 of 2017 by the Judgment dated 03.02.2020 and enlarge the petitioners on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.PRAGALATHAN, Advocate for the petitioner and of Mr.V.NEELAKANDAN, Additional Public Prosecutor for the respondent, on behalf of the Respondents the court made the following order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 294(b) of IPC, and sentenced to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a period of 3 months each and for the alleged offence under Section 323 of IPC and sentenced to undergo simple imprisonment for a period of 1 year each and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a period of 3 months each and for the alleged offence under Section 506(ii) of IPC and sentenced to undergo rigorous imprisonment for a period of 5 years each and to pay a sum of Rs.1,000/- each, in default to undergo simple imprisonment for a period of 1 year each and for the alleged offence under Section 3 of TNPPDL Act and sentenced to undergo rigorous imprisonment for a period of 5 years each and to pay a fine



of Rs.10,000/- each, in default to undergo simple imprisonment for a period of 1 year each in S.C.No.284 of 2017 on the file of the learned II Additional District and Sessions Judge, Thoothukudi District.

2.It is submitted by the learned counsel for the petitioners 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 Additional Public Prosecutor that there are enough materials available on record against the petitioners 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 petitioners 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 petitioners herein are 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 petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned 2<sup>nd</sup> Additional District and Sessions Judge, Thoothukudi, and on further condition that the petitioners shall appear before the said Court daily at 10.30 a.m pending appeal.

sd/-  
10/03/2020

/ TRUE COPY /

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



TO

1. THE 2<sup>nd</sup> ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
THOOTHUKUDI.

2. THE SUPERINTENDENT, CENTRAL PRISON,  
PALAYAMKOTTAI.

3. THE INSPECTOR OF POLICE  
SEIDUNGANALLUR POLICE STATION,  
SEIDUNGANALLUR, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate ( SR-5047[I] dated 10/03/2020 )

ORDER  
IN  
CRL MP (MD) No.2397 of 2020  
IN  
CRL A (MD) No.108 of 2020  
Date :10/03/2020

MS/PN/SAR-3/10.03.2020/3P.6C