



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

Thursday, the Twenty First day of May Two Thousand Twenty

WEB COPY

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2792 of 2020
IN
CRL RC(MD) No.328 of 2020

JAMES

... PETITIONER/APPELLANT/
ACCUSED (SINGLE)

Vs

STATE REPRESENTED BY
THE SPECIAL SUB-INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.No.19 OF 2020

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in the Judgment delivered by the learned Principal District Judge, Ramanathapuram in C.A.No.2 of 2019 by Judgment dated 20.11.2019 as well as the conviction and sentence imposed by the learned District Munsif Cum Judicial Magistrate, Thiruvadanai in C.C.No.125 of 2013 vide judgment dt 18.02.2019 pending the disposal of the main Criminal Revision pending on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ANAND, Advocate for the petitioner and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence passed by the Principal District Judge, Ramanathapuram, in C.A.No.2 of 2019, dated 20.11.2019, confirming the judgment of the District Munsif-cum-Judicial Magistrate, Thiruvadanai, in C.C.No.125 of 2013, dated 18.02.2019 pending disposal of the main criminal revision.



2.The learned counsel appearing for the petitioner/Accused submitted that the petitioner/Accused was convicted by the trial court for the offence under section 294(b) IPC and sentenced him to undergo one month SI and also sentenced him to undergo three years RI and to pay a fine of Rs.1,000/-, in default to undergo three months SI and on appeal, the first appellate court had also confirmed the findings 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 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 prays for suspension of sentence.

4.It is submitted by the learned Government Advocate (Criminal side) appearing for the respondent/State that both the courts below have rightly convicted the petitioner/Accused 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 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 appeal 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 No.1, Ramanathapuram and on further condition that the petitioner/Accused shall appear before the respondent police daily twice I.e., at 10.30 am and 5.00 pm pending criminal revision.

sd/-
21/05/2020

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



TO

1. THE PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
3. THE JUDICIAL MAGISTRATE No.1, RAMANATHAPURAM
4. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
5. THE SPECIAL SUB-INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.2792 of 2020
IN
CRL RC (MD) No.328 of 2020
Date :21/05/2020

ER
TE/VR/SAR-II : 21/05/2020 : 3P/7C