



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.2824 of 2020

IN

CRL A(MD) No.146 of 2020

(Thro' V.C)

1 VEERASEKAR

2 MUNIYANDI

3 KARNAN @ KARUNANITHI

... APPELLANTS/ACCUSED NO.1 TO 3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE

SALAIGRAMAM POLICE STATION,

SIVAGANGAI DISTRICT

CRIME NO.97/2016.

... RESPONDENT/ COMPLAINANT

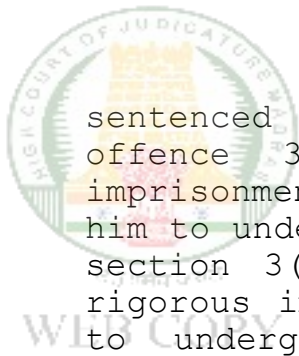
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned Sessions Judge(FAC), Mahila Fast Track Court, Sivagangai in S.C.No.23 of 2016 dated 10/03/2020 and enlarge the petitioners / Appellants on bail , pending disposal of the above said 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.D.RAMESHKUMAR, Advocate for the petitioners 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 Sessions Judge (FAC), Mahila Fast Track Court, Sivagangai, in S.C.No.23 of 2016, dated 10.03.2020 and enlarge petitioners/A1 to A3 on bail pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioners/A1 to A3 submitted that the 1st petitioner/A1 was convicted by the trial court for the offence under section 341 IPC and sentenced him to undergo 1

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sentenced him to undergo 3 months simple imprisonment, for the offence 324 IPC sentenced him to undergo 3 years simple imprisonment, for the offence under section 506(ii) IPC sentenced him to undergo 2 years simple imprisonment and for the offence under section 3(1) of TNPPDL Act sentenced him to undergo 4 years of rigorous imprisonment and imposed a fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment and that the petitioners 2 and 3/A2 and A3 convicted for the offence under section 341 IPC and sentenced to undergo each 1 month simple imprisonment; for the offence under section 294(b) IPC sentenced them to undergo each 3 months simple imprisonment, for the offence under section 323 IPC sentenced them to undergo each 1 years simple imprisonment, for the offence under section 506(ii) IPC sentenced them to undergo each 2 years simple imprisonment and for the offence under section 3(1) of TNPPDL Act sentenced them to undergo each 4 years of rigorous imprisonment and imposed a fine of Rs.1,000/- each, in default to undergo six months rigorous imprisonment.

3.The learned counsel appearing for the petitioners/A1 to A3 further submitted that the petitioners/A1 to A3 are innocent persons and they have 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 petitioners are in jail for more than 62 days 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 petitioners and there are enough materials available on record against the petitioners/A1 to A3 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 petitioners/A1 to A3 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 petitioners/A1 to A3 are in incarceration for more than 62 days and as such, this court is of the considered view that the petitioners/A1 to A3 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 petitioners/A1 to A3 are directed to be enlarged on bail on condition that each of them 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 Sessions Judge (FAC), Mahila Fast Track Court, Sivagangai and on further condition that the petitioners/A1 to A3 shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending appeal.

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sd/-
11/05/2020

/ TRUE COPY /

/ /2020

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

TO

- 1 THE SESSIONS JUDGE (FAC),
MAHILA FAST TRACK COURT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.2824 of 2020
IN
CRL A(MD) No.146 of 2020
Date :11/05/2020

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