



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

Friday, the Twenty Sixth day of June Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.2869 of 2020
IN
CRL A(MD) No.149 of 2020

SIVANESAN

... APPELLANT/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KODALUR NORTH POLICE STATION,
THENI DISTRICT.
CRIME NO.32/2014

... 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 passed by the Learned Sessions Judge, Fast Track Mahila Court, Theni in S.C.NO.179 of 2014 dated 23/01/2020 pending disposal of the main 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 MR.K.SIVABALAN, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **P.N.PRAKASH, J**)

The petitioner has been convicted by the learned Sessions Judge, Fast Track Mahila Court, Theni, in S.C.No.179 of 2014 on 23.01.2020, of the offences under Sections 452, 307 and 326 (2 counts) of the Indian Penal Code and has been sentenced as follows:



Section of Law	Sentence of imprisonment
452 IPC	to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 1 year rigorous imprisonment
307 IPC	to undergo life imprisonment
326 IPC (2 counts)	to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 2 years rigorous imprisonment

Challenging the said conviction and sentence, the petitioner has come with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

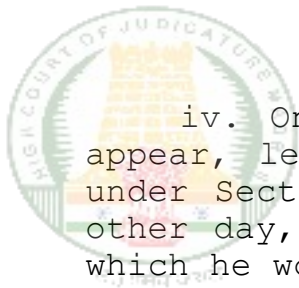
3. Taking into consideration the nature of allegations and also considering the submission of the learned counsel for the petitioner that the petitioner is in incarceration from 26.12.2019 and continues to be so even after his sentence on 23.01.2020; that there are several infirmities in the prosecution case and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

4. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Theni.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

iii. The petitioner shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calendar month until disposal of the appeal.



iv. On any particular date, if the petitioner is not able to appear, leave is granted to the petitioner to file an application under Section 317 Cr.P.C. and appear before the Trial Court on any other day, as determined by the Trial Court, in lieu of the day on which he would absent.

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26/06/2020

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

TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, THENI.
2. THE INSPECTOR OF POLICE,
KODALUR NORTH POLICE STATION,
THENI 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.2869 of 2020
IN
CRL A(MD) No.149 of 2020
Date :26/06/2020

SML/krk
AE/PN/SAR-III (26.06.2020) 3P 5C