



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

Wednesday, the Twenty Ninth day of July Two Thousand and Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.3749 & 3750 of 2020

IN

CRL RC(MD) No.428 of 2020

V.SELVAM

... PETITIONER/REVISION PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION,
SRIVILLIPUTHUR.
CR NO.192/2009

... RESPONDENT/ RESPONDENT/
RESPONDENT/ COMPLAINANT

Prayer in CRL MP(MD) . 3749/ 2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith thgge High Court will be pleased to suspend the sentence imposed by the Learned Additional District Judges, Srivilliputhur in C.A. No.34 of 2014 dated 19/03/2020 while confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.II, Srivilliputhur in C.C.NO.36 of 2010 vide his judgement dated 26.02.2014 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble court and thus to render justice.

Prayer in CRL MP(MD) . 3750/ 2020 :

To exempt the petitioner from surrendering before the trial court in pursuance to the judgment rendered by the Learned Additional District Judge, Srivilliputhur in C.A.NO.34 of 2014 dated 19/03/2020 while confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.II, Srivilliputhur in C.C.NO.36 of 2010 vide his judgement dated 26.02.2014 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble court and thus to 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.G.MARIAPPAN, Advocate for the petitioner and of MR.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

These petition have been filed to suspend the sentence imposed by the learned Additional District Judge, Srivilliputhur in C.A.No.34 of 2014 dated 19.03.2020, till the disposal of the appeal and for exemption of his surrender pursuant to the aforesaid judgment.

2. On the side of the petitioner, it is stated that the sentence imposed on the petitioner was confirmed by the learned Additional District Judge, Srivilliputhur. It is stated that there are grounds for the petitioner to succeed in the appeal and he prayed for suspension of sentence till the disposal of the appeal and for exemption of his surrender.

3. The learned Additional Public Prosecutor has no serious objection in allowing the petition.

4. It is seen that the offences against the petitioner are under Section 279, 338 and 304(A) of IPC. It is stated that there are some arguable points in favour of the petitioner to be decided in the appeal. Hence, this Court is inclined to grant suspension of sentence till the disposal of the appeal, 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 relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

(iii) the petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.



5. Post the main criminal revision case **for hearing** on
14.08.2020.

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sd/-
29/07/2020

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT JUDGE,
SRIVILLIPUTHUR.
2. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
3. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
4. THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
SRIVILLIPUTHUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.3749&3750 of 2020 IN
CRL RC(MD) No.428 of 2020
Date :29/07/2020

MRN
SRS/ VR/ SAR-III/ 30.07.2020/ 3P/6C