



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

Monday, the Sixth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.8321 of 2019

IN

CRL RC(MD) No.713 of 2019

1 CHINNAN
2 CHANDRAN

...REVISION PETITIONERS/REVISION PETITIONERS
Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
BODI TALUK POLICE STATION,
THENI DISTRICT
CRIME NO.339 OF 2009

... 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 in CC No.6 of 2011 on the file of the Assistnat Sessions Court, Theni and confirmed by the judgment in CA No.69 of 2017 on the file of the Additional District and Sessions Judge(Fast Track), Theni dated 18.01.2019, pending disposal of this Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RM.ARUN SWAMINATHAN, Advocate for the petitioner and of Public Prosecutor for the Respondent, 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 394 of IPC, and each of them sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/- each in default to undergo rigorous imprisonment for a period of two months each in S.C.No.6 of 2011 on the file of the learned Assistant Sessions Judge, Theni.

2.The learned Additional District and Sessions Judge (Fast Track Court) Theni, confirmed the conviction and sentence and dismissed the Criminal Appeal No.69 of 2017, dated 18.01.2019.

3.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.



4.It is submitted by the learned Government Advocate (Crl.side) 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 prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner 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 revision and further the criminal revision 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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision 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 Assistant Sessions Judge, Theni and on further condition that the petitioners shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending revision.

sd/-
06/01/2020

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK),
THENI.
2. THE ASSISTANT SESSIONS JUDGE,
THENI
- 3 THE INSPECTOR OF POLICE
BODI TALUK POLICE STATION,
THENI DISTRICT.



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

+1 CC to M/s.RM.ARUN SWAMINATHAN, Advocate (SR-169 dated 06/01/2020)

ORDER IN
CRL MP(MD) No.8321 of 2019 IN
CRL RC(MD) No.713 of 2019
Date :06/01/2020

vsd
ES/VR/SAR 2/08.01.2020/3P/6C