



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

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.7073 of 2019
IN
CRL A(MD) No.355 of 2019

RAJA MANICKAM

... PETITIONER/ PETITIONER
APPELLANT/SOLE ACCUSED

Vs

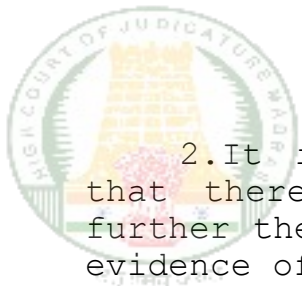
THE STATE REP.BY
THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.110 OF 2014

... RESPONDENT/ 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 imposed as against the petitioner passed by the Learned Additional district Sessions Court in S.C.No.126 of 2016 dated 20.01.2018 in P.R.C.No.16 of 2015 on the file of the Learned Judicial Magistrate, Rameshwaram, Ramanathapuram District in Crime No.110 of 2014 on the file of the respondent police, pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.UTHAYAKUMAR, 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:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 304(ii) of IPC, and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of six months and for the alleged offence under Section 447 of IPC and sentenced him to undergo simple imprisonment for a period of two months and to pay a fine of Rs.5,00/- in default to undergo simple imprisonment for a period of fifteen days in S.C.No.126 of 2016 on the file of the learned Additional District and Sessions Judge, Ramanathapuram.



2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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3.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

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

5.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 appeal and further the criminal appeal 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner 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 learned Judicial Magistrate, Rameshwaram, Ramanathapuram District, 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 appeal.

sd/-
07/02/2020

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/ /2020

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

TO

1.THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.

2.THE JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



3.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4.THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

5.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.A.UTHAYAKUMAR Advocate SR.No.2595

ORDER
IN
CRL MP (MD) No.7073 of 2019
IN
CRL A (MD) No.355 of 2019
Date :07/02/2020

vsd
TK/VR/SAR.3/10.02.2020/3P/8C