



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

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.8259 of 2019
IN
CRL A(MD) No.438 of 2019

DEVADASS @ DASSAPPAN

... PETITIONER/ APPELLANT/
ACCUSED

Vs

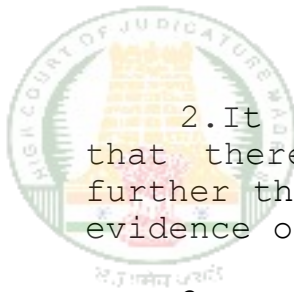
STATE REP.BY
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO.46 OF 1988)

... 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 against the appellant in S.C.No.103 of 2009 on the file of the Hon'ble Principal Sessions Judge, Kanyakumari District, Nagerkovil dated 11.03.2019 and release him on bail till the disposal of the main appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ALAGUMANI, Advocate for the petitioner and of Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the appellant submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 304 (ii) of IPC, and sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.2,000/, in default to undergo rigorous imprisonment for a period of six months and for the alleged offence under Section 324 of CPC, sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a period of two months in S.C.No.103 of 2009 on the file of the learned Principal Sessions Judge, Kanyakumari District, Nagerkovil.



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.

3.It is submitted by the learned Additional Public Prosecutor 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 are 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 No.2, Eraniyal, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
31/01/2020

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

- TO
1. THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT, NAGERCOIL.
 2. THE JUDICIAL MAGISTRATE NO.2,
ERANIYAL.



3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. C.C. to M/S. R. ALAGUMANI Advocate SR.No.2066

ORDER
IN
CRL MP (MD) No.8259 of 2019
IN
CRL A (MD) No.438 of 2019
Date :31/01/2020

MS/PN/SAR-2/03.02.2020/3P.8C