



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

Monday, the Twenty Seventh day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.9181 of 2019

IN

CRL A(MD) No.504 of 2019

POUNRAJ

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
A.W.P.S., THIRUMANGALAM,
MADURAI DISTRICT
(CRIME NO.17 OF 2008)

... 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 of imprisonment imposed by the Sessions Judge(Mahalir Neethimandsram), Madurai in SC No.320 of 2010 dated 30.08.2017.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.WILLIAM CHRISTOPHER, Advocate for the petitioner and of Mr.V.Neelakandan, Additional Public Prosecutor for 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 376 of IPC, and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- each, in default to undergo simple imprisonment for a period of two years and for the alleged offence under Section 417 of IPC, sentenced to undergo rigorous imprisonment for a period of one year in S.C.No.320 of 2010 on the file of the learned Sessions Judge (Mahalir Neethimandram), Madurai.

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 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 Sessions Judge (Mahalir Neethimandram), Madurai, 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/-
27/01/2020

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

TO

- 1 THE SESSIONS JUDGE,
(MAHALIR NEETHIMANDRAM), MADURAI.
- 2 THE SUPERINTENDENT ,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
A.W.P.S., THIRUMANGALAM,
MADURAI DISTRICT

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



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

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+1CC to M/s.J.WILLIAM CHRISTOPHER, Advocate (SR-1628 dated 28/01/2020)

ORDER

IN

CRL MP (MD) No.9181 of 2019

IN

CRL A (MD) No.504 of 2019

Date :27/01/2020

dss

ES/PN/SAR 1/28.01.2020/3P/6C