



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

Tuesday, the Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.8636 of 2019
IN
CRL RC(MD) No.754 of 2019

A.MURUGANANDHAM

... PETITIONER/ APPELLANT

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... 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 passed in Crl A No.15 of 2013 dated 16.08.2019 on the file of the Additional District and Sessions Judge, Srivilliputhur confirming the judgment of conviction passed in CC No.94 of 2010 dated 08.01.2013 on the file of the Judicial Magistrate No.I, Srivilliputhur.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.ASHOK KUMAR, 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(A) of IPC, and sentenced to undergo simple imprisonment for a period of one year and for the alleged offence under Section 337 of IPC (19 counts), and sentenced to undergo simple imprisonment for a period of one month for each count and for the alleged offence under Section 338 of IPC (7 counts), and sentenced to undergo simple imprisonment for a period of three months for each count in C.C.No.94 of 2010 on the file of the learned Judicial Magistrate No.I, Srivilliputhur.

2.The learned Additional District Judge, Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal dated 16.08.2019, dated 16.08.2019.



3.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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4.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 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 petitioner herein is 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 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 Magistrate No.V, Srivilliputhur and on further condition that the petitioner shall appear before the said Court daily twice i.e., 10.30 a.m., and 5.00 p.m. pending revision.

sd/-
07/01/2020

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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,
SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.I,

<https://hcservs.ecs.mca.gov.in/secure/>



3 THE JUDICIAL MAGISTRATE NO.V,
SRIVILLIPUTHUR.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

5 THE SUB INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-390[I] dated 08/01/2020)

ORDER

IN

CRL MP(MD) No.8636 of 2019

IN

CRL RC(MD) No.754 of 2019

Date :07/01/2020

VSD

JM/PN/SAR 2/08.01.2020/3P/8C