



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

Tuesday, the Twenty Eighth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.8938 of 2019
IN
CRL RC(MD) No.782 of 2019

M.MURUGAN

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.78 OF 2011)

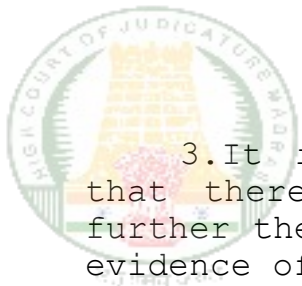
... RESPONDENT/RESPONDENT

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 on the petitioner by the 1st Additional District Sessions Court, Thoothukudi made in C.A.No.41 of 2015 dated 23.04.2019 confirming the conviction and sentence imposed upon accused by the Assistant Sessions Court, Kovilpatti in S.C.No.133 of 2012, dated 28.07.2014 and enlarge the petitioner on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.PANDIYARAJ, Advocate for the petitioner and of Mr.A.P.G.Ohm Chairma Prabhu, Government Advocate(Criminal side) for 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 307 of IPC, and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of six months in S.C.No.133 of 2012 on the file of the learned Assistant Sessions Judge, Kovilpatti.

2.The learned I Additional District and Sessions Judge, Thoothukudi, confirmed the conviction and sentence and dismissed the Criminal Appeal No.41 of 2015, dated 23.04.2019.



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 on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on her executing 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, Kuzhithurai, Kanyakumari District;

(ii) and on further condition that the petitioner shall appear before the said Court daily twice at 10.30 a.m and 5.00 p.m. pending revision.

sd/-
28/01/2020

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

TO
1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI

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



2 THE ASSISTANT SESSIONS JUDGE,
KOVILPATTI.

3 THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI, KANYAKUMARI DISTRICT.

4 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

5 THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION, THOOTHUKUDI DISTRICT

6 THE SUPERINTENDENT ,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.MUTHU MALAI RAJA, Advocate(SR-1631 dated 28/01/2020)

ORDER
IN
CRL MP(MD) No.8938 of 2019
IN
CRL RC(MD) No.782 of 2019
Date :28/01/2020

vsd
ES/PN/SAR 2/29.01.2020/3P/9C