



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

Wednesday, the Twenty Ninth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10053 of 2019

IN

CRL RC(MD) No.850 of 2019

UMAR MUKTHAR

... PETITIONER/ PETITIONER

Vs

1 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
CRIME NO.712 OF 2015

2 AYISHA @ MAHESWARI

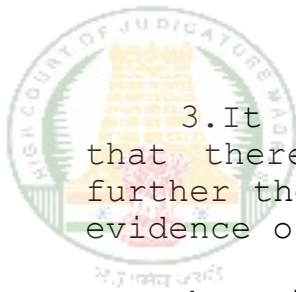
... RESPONDENT/ RESPONDENT

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 upon the petitioner passed by the learned Chief Judicial Magistrate, Madurai in SC No.555/2016 dated 06.09.2017 confirmed by the Judgment passed by the learned IV Additional District and Sessions Judge, Madurai in C.A.No.72/2018 dated 22.08.2019 pending disposal of the Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.PAKALAVAN, Advocate for the petitioner and of MR.V.NEELAKANDAN, Additional Public Prosecutor for R1 and None appeared for R2 either in person or through by an advocate, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 307 of IPC, and sentenced to undergo rigorous imprisonment for a period of seven years, and to pay a fine of Rs.1000/- (Rupees One Thousand only), in default to undergo simple imprisonment for a period of one month in S.C.No.555 of 2016 on the file of the learned Chief Judicial Magistrate, Madurai.

2.The learned IV Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the Criminal Revision Petition No.72 of 2018, dated 22.08.2019.



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.

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 his 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 Chief Judicial Magistrate, Madurai.

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

sd/-
29/01/2020

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

2 THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MADURAI.

<https://hcserv633courts.in/User/Ges/>



3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.PAKALAVAN, Advocate (SR-1744[I] dated 29/01/2020)

ORDER
IN
CRL MP (MD) No.10053 of 2019
IN
CRL RC (MD) No.850 of 2019
Date :29/01/2020

dss
JM/PN/SAR 4/31.01.2020/3P/6C