



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

Monday, the Sixth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11518 of 2019

IN

CRL RC(MD) No.978 of 2019

VELMURUGAN @ KUTTY

... PETITIONER/ PETITIONER

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.8 OF 2011)

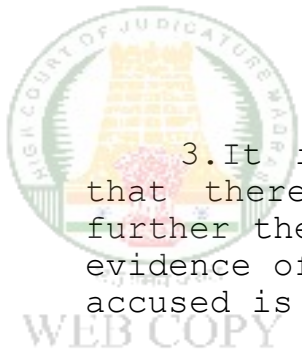
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment passed by the learned Additional District and Sessions Judge, Theni at Periyakulam in Crl.A.No.34 of 2018 by the judgment dated 21.12.2018, confirming the conviction and sentence of imprisonment imposed by the learned Assistant Sessions Judge, Periyakulam in S.C.No.206 of 2011 by the Judgment dated 23.03.2018 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.N.RANJITH, 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 307 of IPC, and sentenced to undergo rigorous imprisonment for a period of four years and to pay a fine of Rs.2,00/-, in default to undergo simple imprisonment for a period of one month in S.C.No.206 of 2011 on the file of the learned Assistant Sessions Judge, Periyakulam.

2.The learned Additional District and Sessions Judge, Theni at Periyakulam, confirmed the conviction and sentence and dismissed the



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. He further submitted that the accused is in jail for more than one year.

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 learned Assistant Sessions Judge, Periyakulam 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 revision.

sd/-
06/01/2020

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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,

<https://hcservices.mca.gov.in/Periyakulam>.



2 THE ASSISTANT SESSIONS JUDGE,
PERIYAKULAM.

3 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.N.RANJITH Advocate SR.No.261

ORDER
IN
CRL MP(MD) No.11518 of 2019
IN
CRL RC(MD) No.978 of 2019
Date :06/01/2020

vsd
JM/VR/SAR 2/08.01.2020/3P/7C