



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

Friday, the Third day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.11496 of 2019

IN

CRL RC(MD) No.973 of 2019

MAREESWARAM

NOW HE IS CONFINED AT CENTRAL PRISON,
MADURAI.

... ACCUSED/REVISION PETITIONER

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

(IN CRIME NO.354 OF 2006)

... 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 alone in C.A.No.20 of 2011 dated 02.08.2019 on the file of the learned Additional Sessions Judge, Srivilliputhur at Virudhunagar District and enlarge the petitioner/accused on bail, till the 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.MAYAPERUMAL, Advocate for the petitioner and of Mr.V.Neelakandan, Additional Public Prosecutor for the Respondent, while admitting the Criminal Revision Petition, 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 to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 337 of IPC (5 counts) and to pay a fine of Rs.5,00/- each in default to undergo simple imprisonment each for a period of one month in C.C.No.204 of 2006 on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District.



2.The learned Additional District Judge, Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.20 of 2011, dated 02.08.2019.

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 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 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 Judicial Magistrate No.II, Sattur 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/-
03/01/2020

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



TO

1 THE ADDITIONAL SESSIONS JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT

2. THE JUDICIAL MAGISTRATE No.II,
SATTUR

3.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

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

+1 CC to M/s.S.MAYAPERUMAL, Advocate (SR-93[I] dated 03/01/2020)

ORDER
IN
CRL MP(MD) No.11496 of 2019
IN
CRL RC(MD) No.973 of 2019
Date :03/01/2020

VSD
ES/PN/SAR 4/07.01.2020/3P/8C