



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

Friday, the Tenth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10848 of 2019

IN

CRL RC(MD) No.903 of 2019

1 RAMALINGAM

2 RASATHI

... PETITIONERS/APPELLANTS/ACCUSED

Vs

STATE REP.BY ITS,

THE INSPECTOR OF POLICE

SWAMIMALAI POLICE STATION,

THANJAVUR DISTRICT

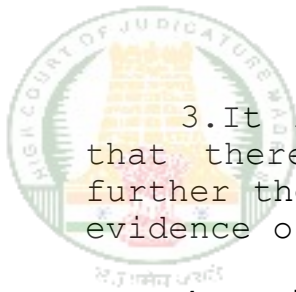
(IN CRIME NO.170 OF 2016)...1st RESPONDENT/1st RESPONDENT/COMPLAINANT

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 against the petitioner in C.A.No.17/2019 dated 18.10.2019 on the file of the Additional District and Sessions (Fast Track) Court, Kumbakonam confirming the judgment in S.C.No.218/2016 dated 30.01.2019 on the file of the Chief Judicial Magistrate, Kumbakonam and enlarge the petitioner on bail pending disposal of 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.M.SUBASH BABU, Advocate for the petitioners 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 petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 394 r/w 397 of IPC, and each of them sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/- each in default to undergo simple imprisonment for a period of three months each in S.C.No.218 of 2016 on the file of the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam.

2.The learned Additional District and Sessions Judge (Fast Track Court) Kumbakonam, confirmed the conviction and sentence and dismissed the Criminal Appeal No.17 of 2019, dated 18.10.2019.



3.It is submitted by the learned counsel for the petitioners 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 petitioners 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 petitioners 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 petitioners herein are 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 petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Kumbakonam and on further condition that the petitioners shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending revision.

sd/-
10/01/2020

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS (FAST TRACK) JUDGE,
KUMBAKONAM.

2. THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM

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



3 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION, THANJAVUR DISTRICT

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

+1 CC to M/s.K.SUBASH BABU, Advocate (SR-607[I] dated 10/01/2020)

ORDER

IN

CRL MP(MD) No.10848 of 2019

IN

CRL RC(MD) No.903 of 2019

Date :10/01/2020

VSD

ES/VR/SAR 3/21.01.2020/3P/7C