



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

Thursday, the Second day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10978 of 2019

IN

CRL RC(MD) No.914 of 2019

1 PRABAKARAN

2 SIVAKUMAR

... PETITIONERS/ APPELLANTS

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
M.CHATRAPATTY POLICE STATION,
MADURAI DISTRICT.
CRIME NO.896 OF 2012

... 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 execution of sentence in Crl.A.No.13/2017 dated 15.11.2019 on the file of the learned IV Additional District and Sessions Judge, Madurai confirming the Judgment passed by the Chief Judicial Magistrate, Madurai in S.C.No.157/2016, dated 11.01.2017 and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.G.KARUPPASAMY PANDIYAN, Advocate for the petitioners and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of 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 353 of IPC, and to pay a fine of Rs.1,000/- each, in default each of them to undergo simple imprisonment for a period of one month and for the alleged offence under Section 506(i) of IPC and to pay a fine of Rs.1,000/- each in default each of them to undergo simple imprisonment for a period of one month and for the alleged offence under Section 3(1) of TNPPDL Act, and each of them sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.3,000/- each in default each of them to undergo simple imprisonment for a period of one month in S.C.No.157 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 Appeal No.13 of 2017, dated 15.11.2019.

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 Additional Public Prosecutor 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 learned Judicial Magistrate No.VI, Madurai 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/-
02/01/2020

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

TO

1 THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MADURAI.

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



2 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

3 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

4 THE INSPECTOR OF POLICE,
M.CHATRAPATY POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-91[I] dated
03/01/2020)

ORDER
IN
CRL MP(MD) No.10978 of 2019
IN
CRL RC(MD) No.914 of 2019
Date :02/01/2020

vsd
JM/PN/SAR 3/03.01.2020/3P/7C