



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

Wednesday, the Twenty Second day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11103 of 2019

IN

CRL RC(MD) No.928 of 2019

WEB COPY

KALYANI

... PETITIONER/PETITIONER

Vs

STATE REP.BY ITS
THE SUB-INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO.758/2004)

... RESPONDENT/RESPONDENT

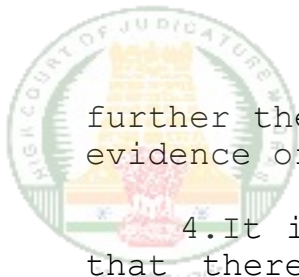
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Additional District Court, Srivilliputtur in Crl.A.No.86/2014 dated 14.11.2019 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Rajapalayam in C.C.No.433/2005 on 05.06.2014, 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.KUMARAVELU, Advocate for the petitioner 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 petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 420 of IPC, and sentenced her to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of six months in C.C.No.433 of 2005 on the file of the learned Judicial Magistrate, Rajapalayam.

2.The learned Additional District Judge, Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.86 of 2014, dated 14.11.2019.

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 her 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 Judicial Magistrate, Rajapalayam;

(ii) and the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty thousand only) to the credit of C.C.No.433 of 2005 on the file of the learned Judicial Magistrate, Rajapalayam, within a period of two weeks from the date of receipt of a copy of this order;

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

sd/-
22/01/2020

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



TO

1 THE ADDITIONAL DISTRICT JUDGE,
SRIVILLIPUTTUR.

2 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

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

4 THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.M. LAW OFFICE, Advocate(SR-1137[I] dated 22/01/2020)

ORDER

IN

CRL MP(MD) No.11103 of 2019

IN

CRL RC(MD) No.928 of 2019

Date :22/01/2020

vsd

ES/PN/SAR 2/23.01.2020/3P/7C