



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

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11234 of 2019

IN

CRL A(MD) No.556 of 2019

K.PALANISAMY

... PETITIONER/SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
(CRIME NO.7/2013)

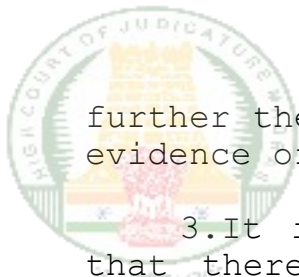
... RESPONDENT/ COMPLAINANT

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 in S.C.No.68/2014 dated 19.09.2019 on the file of the Learned Mahila Judge, Fast Track Court, Sivagangai and enlarge me on bail till the disposal of the Crl.A.(MD). No.556/2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.GOPALAKRISHNAN LAKSHMANARAJA, Advocate M/S.P.AJU TAGORE, Advocate for the petitioner and of MR.V.NEELAKANDAN, Additional Public Prosecutor 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 376 of IPC, and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, in default to undergo rigorous imprisonment for a period of one year and for the alleged offence under Section 506(ii) of IPC and sentenced to undergo rigorous imprisonment for a period of two years in S.C.No.68 of 2014 on the file of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai.

2.It is submitted by the learned counsel for the petitioner since several infirmities in the prosecution case and



further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.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 he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.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 appeal and further the criminal appeal 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.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 the learned District Munsif Cum Judicial Magistrate, Thiruppathur, 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 appeal.

sd/-
13/01/2020

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

TO

1 THE MAHILA JUDGE,
FAST TRACK COURT, SIVAGANGAI.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUPPATHUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

<https://hcserv03.sivagangai.nic.in/>



4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPATHUR, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.P.AJU TAGORE, Advocate (SR-922[I] dated 20/01/2020)

ORDER
IN
CRL MP (MD) No.11234 of 2019
IN
CRL A (MD) No.556 of 2019
Date :13/01/2020

VSD
JM/VR/SAR 3/21.01.2020/3P/7C