



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

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11176 of 2019

IN

CRL A(MD) No.592 of 2019

1 BARATHIRAJA

2 CHELLAMANI

... APPELLANTS/ACCUSED Nos. 1 & 2

Vs

STATE REPRESENTED BY

THE DEPUTY SUPERINTENDENT OF POLICE,

MANAPPARAI SUB-DIVISION,

VALANADU POLICE STTION, TRICHY DISTRICT

(CRIME NO.134/2017)

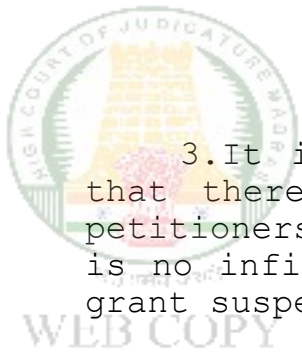
... RESPONDENT/COMPLAINANT

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 on the petitioner by the I Additional District and Sessions Judge, (PCR) Trichy in Special S.C.No.43 of 2018 dated 28.11.2019 and release the petitioner on bail pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.SENTHIL KUMAR, Advocate for the petitioners and of Mr.V.Neelakandan, Additional Public Prosecutor, 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 306 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 each of them to undergo simple imprisonment for a period of one year in Spl.S.C.No.43 of 2018 on the file of the learned I Additional District and Sessions Judge (PCR), Trichy.

2.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.



3.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 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 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 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 petitioners herein are 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 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 I Additional District and Sessions Judge (PCR), Trichy, 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 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 I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(PCR) ,TRICHY.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI SUB-DIVISION, VALANDU POLICE STTION,
TRICHY DISTRICT



3 THE SUPERINTENDENT ,
CENTRAL JAIL, TRICHY.

4 THE SUPERINTENDENT ,
CENTRAL PRISON FOR WOMEN, TRICHY.

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

+1. C.C. to M/S.T.SENTHIL KUMAR Advocate SR.No.1605

ORDER
IN
CRL MP (MD) No.11176 of 2019
IN
CRL A (MD) No.592 of 2019
Date :13/01/2020

vsd
ES/VR/SAR 2/13.01.2020/3P/7C