



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

Monday, the Sixth day of January Two Thousand Twenty

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PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11354 of 2019
IN
CRL RC(MD) No.961 of 2019

THERIAPPAN

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
SIRIVILLAPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/RESPONDENT/
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 by the judgment dt 15.11.2019 made in C.A.No.81 of 2014 on the file of the Principal District Court, Sirivilliputhur confirming the judgment dated 28.04.2014 made in C.C.No.163 of 2012 on the file of the JM No.2, Srivilliputhur.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.KARTHIKEYAN, Advocate for the petitioner and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.side) 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 304(A) of IPC, and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of two months in C.C.No.163 of 2012 on the file of the learned Judicial Magistrate No.2, Srivilliputhur.

2.The learned Additional District Judge, Srivilliputhur,
<https://hcservices.ecourts.gov.in/hcservices/>



confirmed the conviction and sentence and dismissed the Criminal Appeal No.81 of 2014, dated 15.11.2019.

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 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 Judicial Magistrate No.2, Srivilliputhur. 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 revision.

sd/-
06/01/2020

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



TO

1. THE JUDICIAL MAGISTRATE No.II,
SRIVILLIPUTHUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE PRINCIPAL DISTRICT JUDGE,
SRIVILLIPUTHUR.
4. THE INSPECTOR OF POLICE,
SIRIVILLAPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.11354 of 2019
IN
CRL RC(MD) No.961 of 2019
Date :06/01/2020

VSD
TE/JC/SAR-III : 09/01/2020 : 3P/6C