



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

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CRL MP(MD) No.11363 of 2019

IN

CRL A(MD) No.610 of 2019

S.RAJENDRAN

... PETITIONER/ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO.105/2010)

... 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 passed by the Learned II Additional District and Sessions Judge, Thanjavur in S.C.No.118/2012 dated 03.10.2019 and grant bail to the petitioner, till the disposal of the 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.C.ARUL VADIVEL @ SEKAR, Advocate for the petitioner and of Mr.V.Neelakandan, Additional Public Prosecutor 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 326 of IPC, and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default to undergo imprisonment for a period of six months and for the alleged offence under Section 324 of IPC (4 counts) and sentenced to undergo rigorous imprisonment for a period of two years for each counts and to pay a fine of Rs.1,000/- each in default to undergo imprisonment for a period of three months and for the alleged offence under Section 506(ii) of IPC and sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.3,000/- in default to undergo imprisonment for a period of six months and for the alleged offence under Section 28 of the Indian Arms and Explosive Act and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/- in default to undergo imprisonment for a period of six months in S.C.No.118 of 2012 on the file of the learned II Additional District and Sessions Judge, Thanjavur.



2.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.

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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 II Additional District and Sessions Judge, Thanjavur, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.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 II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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



3 THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.C.ARUL VADIVEL@SEKAR, Advocate (SR-806 dated 13/01/2020)

ORDER
IN
CRL MP (MD) No.11363 of 2019
IN
CRL A (MD) No.610 of 2019
Date :13/01/2020

vsd
ES/VR/SAR 3/21.01.2020/3P/6C