



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

Tuesday, the Seventh day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.11374 of 2019
IN
CRL RC(MD) No.965 of 2019

MURUGESAN

... PETITIONER/PETITIONER

Vs

THE STATE REP THROUGH
THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION
PUDUKKOTTAI DISTRICT
(CRIME NO.244 OF 2011)

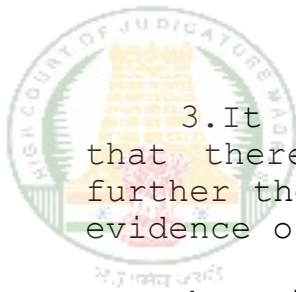
... RESPONDENT/RESPONDENT

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 in judgement and conviction in CC NO 11 of 2012 dated 12.06.2018 on the file of the learned Judicial Magistrate, Keeranur modified the judgement and conviction in Criminal Appeal No. 38 of 2018 dated 22.11.2019 on the file of the Learned Additional District and Sessions Judge, Pudukkottai pending disposal of the above 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.J.ANANDKUMAR, 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 279 of IPC, and to pay a fine of Rs.7,50/-, in default to undergo simple imprisonment for a period of one week and for the alleged offence under Section 304(A) of IPC and sentenced to undergo rigorous imprisonment for a period of one year in C.C.No.111 of 2012 on the file of the learned Judicial Magistrate, Keeranur.

2.The learned Additional District Judge, Pudukottai, modified the conviction and sentence and partly allowed the Criminal Appeal No.38 of 2018, dated 22.11.2019.



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 Magistrate, Illuppur, Pudukkottai District and on further condition that the petitioner shall appear before the concerned respondent police daily at 10.30 a.m pending revision.

sd/-

07/01/2020

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.



2 THE JUDICIAL MAGISTRATE,
KEERANUR.

3. THE JUDICIAL MAGISTRATE, ILLUPPUR,
PUDUKKOTTAI DISTRICT

4 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

5 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION
PUDUKKOTTAI DISTRICT

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

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-279[I] dated 07/01/2020)

ORDER
IN
CRL MP(MD) No.11374 of 2019
IN
CRL RC(MD) No.965 of 2019
Date :07/01/2020

vsd
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