



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

Tuesday, the Thirteenth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4028 of 2021

IN

CRL A(MD)No.251 of 2021

1 RAJESH
2 GANDHIMATHI
3 RAVI @ RAVICHANDRAN

... APPELLANTS/ACCUSED 1 to 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PAPANASAM,
THANJAVUR DISTRICT.
CRIME NO.4/2011

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioners by the learned Sessions Judge, Mahalir Neethimandaram(Fast Track Mahila Court), Thanjavur in S.C.NO.156 of 2014 and release them on bail.

PRAYER IN CRL A(MD)No.251 of 2021:

To set aside the Conviction and sentence dated 05.03.2020, recorded by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur in S.C.No.156 of 2014 and acquit the Appellant.

Order:This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.KARUNANITHI, Advocate for the petitioners and of Mr.P.KOTTAICHAMY, Counsel for State Government(Crl.Side) on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioners in S.C.No.156 of 2014, dated 05.03.2020 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur and release them on bail.



2.The learned counsel for the petitioners submitted that A1 has been convicted by the learned trial judge, for the alleged offence under Section 417 IPC, and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 376 IPC and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of one year and A2 and A3 have been convicted by the trial Judge, for the alleged offence under Sections 294(b) IPC and imposed a fine of Rs.1,000/- , in default to undergo simple imprisonment for a period of three months in S.C.No.156 of 2014 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur.

3.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.

4.It is submitted by the learned Standing Counsel appearing for State Government (Crl.side) 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.

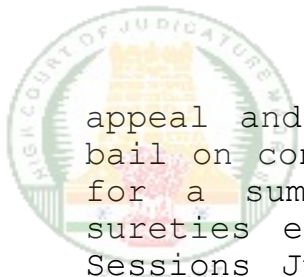
5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the 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.

7.The learned counsel for the petitioners submitted that he is going to not press the petition in respect of A2 and A3 and has also filed a memo to that effect.

8.In view of memo, this petition is dismissed as not pressed in respect of A2 and A3.

9.Accordingly, the suspension of sentence petition is allowed in respect of the first petitioner/A1 alone, and the substantive imprisonment alone is suspended pending disposal of the



appeal and the first petitioner/A1 is directed to be enlarged on bail on condition that the first petitioner/A1 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 Sessions Judge, Mahila Court, Thanjavur, and on further condition that the first petitioner/A1 shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending appeal.

sd/-
13/07/2021

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

TO

1. THE JUDGE, MAHALIR NEETHIMANDRAM,
FAST TRACK COURT, THANJAVUR
2. THE SUPERINTENDENT,
CENTRAL PRISON TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PAPANASAM, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.4028 of 2021
IN
CRL A(MD) No.251 of 2021
Date :13/07/2021

vsd
PK/VR/SAR-V/14.07.2021 : 3P/5C