



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

Tuesday, the Twenty Third day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL.MP (MD) .No.2053 of 2021  
in  
CRL.A (MD) .NO.125 of 2021

MURUGAN

... PETITIONER/APPELLANT/ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
VANNIYAMPATTI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO. 114/2014.

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Mahilar Neethimandaram(Mahila Fast Track Court), Virudhunagar District at Sriviliputhur in S.C.No.59 of 2016 dated 25/11/2019, pending the disposal of the main Criminal Appeal.

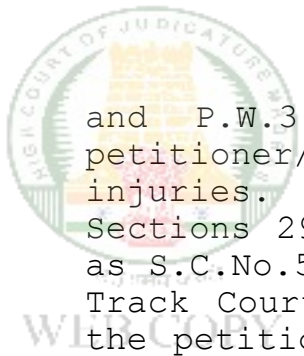
PRAYER IN CRL.A(MD).NO.125 of 2021:

Pleased to call for the records in the judgment of Mahilar Neethimandram(Mahila Fast Track Court), Virudhunagar District at Srivilliputhur in S.C.No.59 of 2016 by judgment dated 25.11.2019 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.RAMASAMY, Advocate for the petitioner and of Mr.S.Chandrasekar, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Mahilar Neethimandaram, (Mahila Fast Track Court), Virudhunagar District, Srivilliputhur in S.C.No.59 of 2016 dated 25.11.2019, till the disposal of the appeal.

2.The case against the petitioner is that due to previous  
<https://www.hcscs.gov.in/hcscs/portal/> services and another assaulted two witnesses, P.W.2



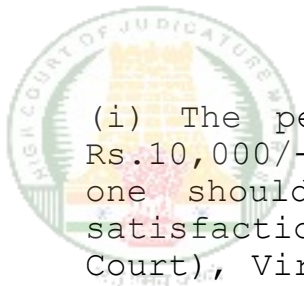
and P.W.3 with stick and caused them simple injuries. The petitioner/A1 attacked P.W.1, Mariyammal with knife and caused her injuries. A case in Crime No.114 of 2014 was registered under Sections 294(b), 341 and 307 of IPC and the same was taken on file as S.C.No.59 of 2016 before the Mahilar Neethimandaram, (Mahila Fast Track Court), Virudhunagar District, Srivilliputhur. After trial, the petitioner was found guilty under Sections 294(b), 341 and 324 of IPC. The petitioner was sentenced to undergo three months simple imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo fifteen days simple imprisonment under Section 294(b) of IPC and he was sentenced to undergo one month simple imprisonment and to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo one week simple imprisonment under Section 341 of IPC and he was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand only) in default to undergo six months simple imprisonment under Section 324 of IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has preferred an appeal in Crl.A.(MD)No.125 of 2021. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that the petitioner is in jail for the past 16 months. P.W.1 abscond from the hospital and the injury sustained by P.W.1 was not proved by the prosecution. P.W.1 is the sole eye witness. There is contradiction in the evidence regarding the injury sustained by the witness. The case is not proved by the prosecution beyond all reasonable doubts and there are much more points for arguments in the appeal and prayed the sentence imposed upon the petitioner to be suspended.

4.On the side of the respondent, it is stated that the prosecution has examined 14 witnesses and marked 10 documents and one material object. The confession statement of the accused was marked as Ex.P3. The accident register of the victims were marked as Ex.P5 and P7. The evidence of P.W.1 supports the case of prosecution. The evidence of P.W.11, doctor proves the injury sustained by the victim. The prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the petitioner is in custody for the past 16 months and there are substantial points in the memorandum of appeal, which require a detailed consideration by this Court. The Criminal Appeal is no likely to be taken up for final hearing in the near future. Hence, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:



(i) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Mahilar Neethimandaram, (Mahila Fast Track Court), Virudhunagar District, Srivilliputhur.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Mahilar Neethimandaram, (Mahila Fast Track Court), Virudhunagar District, Srivilliputhur may obtain a copy of their valid identity card to ensure their identity.

(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-  
23/03/2021

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/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDGE,  
MAHILAR NEETHIMANDARAM (MAHILA FAST TRACK COURT),  
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTHUR
- 2 THE INSPECTOR OF POLICE  
VANNIYAMPATTI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.2053 of 2021  
in  
CRL.A (MD) .NO.125 of 2021  
Date :23/03/2021

NR/PN/SAR-II (24.03.2021) 3P:5C