



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

Monday, the Fifteenth day of March Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL.MP (MD) .No.2189 of 2021

IN

CRL.A (MD) .NO.131 OF 2021

SURESH

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,,
THE INSPECTOR OF POLICE
THIRUTHANAGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME.NO.177/2015)

... RESPONDENT/RESPONDENT

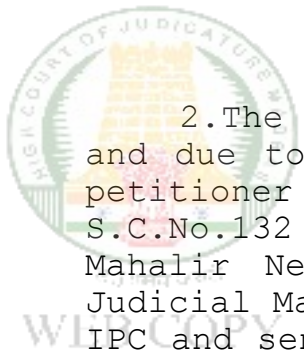
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed upon the petitioner, as made in S.C.No.132 of 2017, dated 11/02/2021 by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur enlarge the petition on bail pending disposal of the main Criminal Appeal.

PRAYER IN CRL.A(MD) .NO.131 OF 2021:

Pleased to call for records and set aside the order and judgment passed in S.C.No.132 of 2017, dated 11.02.2021, by the Learned Fast Track Mahila Court, Virudhunagar district at Srivilliputhur.

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.M.SOLAISAMY, Advocate for the petitioner and of MR.S.CHANDRA SEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in S.C.No.132 of 2017 dated 11.02.2021, till the disposal of the revision.



2.The case against the petitioner is that he assaulted his wife and due to cruelty, the wife has lodged the complaint against the petitioner in Crime No.177 of 2015 and the same was taken on file as S.C.No.132 of 2017 on the file of the learned Sessions Judge, Mahalir Neethimandram, Srivilliputhur. After trial, the learned Judicial Magistrate found the petitioner guilty under Section 323 of IPC and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) to undergo one month simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner preferred an appeal in Crl.A.(MD)No.131 of 2021. Along with the appeal, the petitioner filed the application for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner was convicted under Section 323 of IPC and he was acquitted under Sections 294(b), 324 and 307 of IPC and under Sections 4 of Tamil Nadu Prohibition and Harassment of Women Act. It is stated that there are contradictions between the evidence of witness and all the witnesses are interested witnesses. It is further stated that there are much more substantial points for arguments, which require a detailed consideration by this Court and prayed the sentence imposed upon the petitioner is to be suspended.

4.On the side of the respondent, it is stated that the prosecution has examined 8 witnesses and marked 7 documents. The evidence of P.W.1 corroborated the evidence of P.W.5, doctor. The accident register copy was marked as Ex.P3. The prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the the petitioner was enjoying bail throughout the trial. The trial Court has already granted suspension of sentence to the petitioner. The Criminal Revision Case is not 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 Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge 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/-
15/03/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

TO

- 1 THE JUDGE,
THE FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE,
THIRUTHANAGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.2189 of 2021
IN
CRL.A(MD).NO.131 OF 2021
Date :15/03/2021

NR/PN/SAR-III(16.03.2021) 3P:4C