



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

Tuesday, the Twenty Ninth day of June Two Thousand and Twenty One

PRESENT

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

**CRL MP(MD) No.2522 of 2021  
IN CRL A(MD)No.152 of 2021**

K.PANDIARAJ

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
THIRUMANGALAM TOWN POLICE STATION,  
MADURAI DISTRICT.  
CRIME NO.277/2015.

... 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 and grant bail to the Appellant / Sole Accused against the Conviction judgement dated 24.02.2021 in S.C.No.68/2016 passed by the Sessions Judge, Mahalir Neethimandram Madurai in Crime No.277/215 on the file of the Respondent pending disposal of the instant Criminal Appeal on such terms and conditions as may be deemed fit.

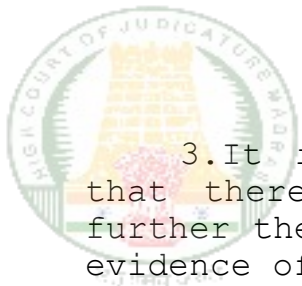
**PRAYER IN CRL A(MD)No.152 of 2021:**

To call for the records relating to the judgment dated 24.02.2021 made in S.C.No.68 of 2016 on the file of the Sessions Judge, Mahalir Neethimandram, Madurai, and set aside the same as illegal and allow the above appeal.

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.A.MU.SHARAVANAN, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Advocate for State Government on behalf of the Respondent, while admitting the Writ Appeal, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence and grant bail to the petitioner / sole accused against the conviction judgment, dated 24.02.2021 in S.C.No.68 of 2016 passed by the learned Sessions Judge, Mahalir Neethimandram, Madurai in Crime No.277 of 2015 on the file of the respondent pending disposal of the Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Judge, for the alleged offence under Section 306 IPC, and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default to undergo simple imprisonment for a period of one year in S.C.No.68 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai.



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.

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4.It is submitted by the learned counsel appearing for State Government 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.

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 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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i)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 Sessions Judge, Mahalir Neethimandram, Madurai;

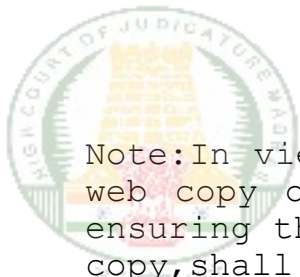
(ii)the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) each in the name of the children by way of demand draft within a period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending appeal.

sd/-  
29/06/2021

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
1. THE SESSIONS JUDGE,  
MAHALIR NEETHIMANDRAM, MADURAI.
  2. THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI
  3. THE INSPECTOR OF POLICE,  
THIRUMANGALAM TOWN POLICE STATION,  
MADURAI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. C.C. to Mr.A.MU.SHARAVANAN, Advocate SR.No.4205

ORDER  
IN  
CRL MP (MD) No.2522 of 2021  
IN  
CRL A (MD) No.152 of 2021  
Date : 29/06/2021

pmu  
PK/PN/SAR-II/30.06.2021 : 3P/6C