



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

Friday, the Third day of September Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2733 of 2021
IN
CRL A(MD) No.168 of 2021

VISHAL

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PONMALAI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
CRIME NO.14/2018.

... 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 Suspend the sentence imposed on the Petitioner by the Sessions Judge (Mahila Court) Trichy District in S.C No.60 of 2019 dated 25.03.2021 and release the Petitioner on bail pending disposal of the above Criminal Appeal.

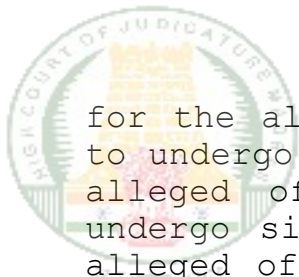
PRAYER IN CRL A(MD) No.168 of 2021:

To call for the records and set aside the judgment passed by the Sessions Judge(Mahila Court), Trichy District in S.C.No.60 of 2019 dated 25.03.2021 and acquit the appellant herein.

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.N.R.ELANGO, Senior Counsel for MR.M.MARUTHUPANDIAN, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State in Tamil Nadu on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in S.C.No.60 of 2019, dated 25.03.2021 by the learned Sessions Judge, Mahila Court, Trichirappalli District and release the petitioner on bail pending disposal of the Criminal Appeal.

2.The learned counsel appearing for the petitioner submitted <https://hservices.ecourts.gov.in/hservices/> that the petitioner has been convicted by the learned trial judge,



for the alleged offence under Section 294(b) IPC and sentenced him to undergo simple imprisonment for a period of one month and for the alleged offence under Section 506(i) IPC and sentenced him to undergo simple imprisonment for a period of one year and for the alleged offence under Section 306 IPC and sentenced him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of six months in S.C.No.60 of 2019 on the file of the learned Sessions Judge, Mahila Court, Trichirappalli District.

3.It is submitted by the learned counsel appearing 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 and he prayed for suspension of sentence.

4.It is submitted by the learned counsel appearing for State Government (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 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 appearing 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 Additional Mahila Court, Trichy;



(ii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending appeal.

sd/-

03/09/2021

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

WEB COPY

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.

TO

- 1 THE SESSIONS JUDGE (MAHILA COURT),
TRICHY DISTRICT.
- 2 THE JUDGE,
ADDITIONAL MAHILA COURT, TRICHY
- 3 THE INSPECTOR OF POLICE
PONMALAI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL JAIL,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.2733 of 2021

IN

CRL A (MD) No.168 of 2021

Date : 03/09/2021

VSD

MS/VR/SAR-1/06.09.2021/3P.6C