



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

Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

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

**CRL MP(MD) No.2839 of 2021**

**in**

**CRL A(MD)No.370 of 2020**

ANTHONY RAJ

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE,  
NALATTINPUDUR POLICE STATION,  
THOOTHUKUDI DISTRICT.  
IN CRIME NO. 34 OF 2013.

... 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 passed in judgment dated 16.10.2019 made in SC.No.201 of 2014 on the file of the Honorable Sessions Judge(Fast Track Mahila Court), Thoothukudi convicting the petitioner to undergo 3 years of RI for the offences Under Section 4 of TNPWH Act & 324 of IPC, till the disposal of the above Criminal Appeal.

**Prayer in CRL A(MD)No.370 of 2020:**

To call for the records relating to the judgment dated 16.10.2019 made in S.C.No.201/2014 on the file of the Hon'ble Sessions Judge (Fast Track Mahila Court), Thoothukudi and set aside the same by allowing this Criminal 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.MOHAN, Advocate for the petitioner and of Mr.R.SARAVANA KUMAR, Government Advocate(Crl. Side) on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge (Fast Track Mahila Court), Thoothukudi, made in SC No.201 of 2014, dated 16.10.2019 and to enlarge the petitioner on bail pending disposal of the criminal appeal.

2.According to the prosecution on 13.03.2013 at about 03.30 pm, the petitioner waylaid the victim and misbehaved with her and also

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attacked her with knife. A case was registered against the petitioner in Crime No.34 of 2013 under sections 376, 511, 506(ii) IPC @ section 294(b), 324, 307 IPC and Section 4 of TNPWH Act and the same was taken on file as Special S.C No.201 of 2014 on the file of the Mahila Court, Thoothukudi. The petitioner was found guilty under Section 4 of Harassment of Women Act and section 324 IPC and convicted and sentenced him to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo a further period of six months Simple Imprisonment for the offence under section 4 of Harassment of Women Act and for the offence under section 324 IPC, sentenced him to undergo 3 years Rigorous Imprisonment. Against the conviction and sentence, the petitioner filed an appeal in Crl.A(MD)No.370 of 2020. Along with the appeal, this petition has been filed for suspension of sentence.

3.Heard both sides and perused the materials available on record.

4.The learned counsel appearing for the petitioner/accused submitted that the petitioner has not committed any offence as alleged by the prosecution and no reliable independent witnesses were examined to prove the guilt conclusively and there were contradictions between the evidence of PW1, PW2 and PW6, but the trial court without appreciation of the above facts, has mechanically passed the judgment of conviction against the petitioner. In view of the above circumstances, the sentence imposed against the petitioner/accused may be suspended.

5.On the other hand, the learned Government Advocate (Criminal side) appearing for the respondent/State submitted that the prosecution has proved the case beyond all reasonable doubt and the trial court rightly convicted the petitioner and the petitioner is a habitual offender and if he is released on bail, there is every chance to escape from the clutches of law and prays for dismissal of the petition.

6.It is seen from the records that the petitioner has involved in 10 previous cases, including 3 murder cases, one case under section 392 IPC. Further, it is seen from the records that petitioner earlier filed application seeking bail before this court in Crl.MP(MD)No.7212 of 2020, which was dismissed on 23.12.2020 by citing the petitioner's involvement in the criminal cases. Under these circumstances, this court is not inclined to grant bail to the petitioner.

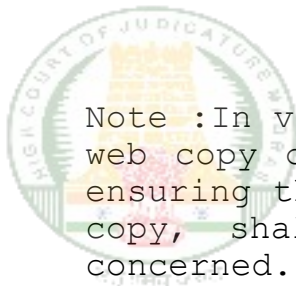
7.Accordingly, this criminal miscellaneous petition is dismissed.

sd/-  
30/04/2021

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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,  
FAST TRACK MAHILA COURT, THOOTHUKUDI.
  - 2.THE SUPERINTENDENT,  
CENTRAL PRISON, TIRUCHIRAPPALLI.
  - 3.THE INSPECTOR OF POLICE,  
NALATTINPUDUR POLICE STATION,  
THOOTHUKUDI DISTRICT.
  - 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.2839 of 2021  
in  
CRL A (MD) No.370 of 2020  
Date :30/04/2021

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AE/VR/SAR-1/19.05.2021/2P/5C