



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

Thursday, the Eighth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2810 of 2021
in
CRL A(MD)No.174 of 2021

KOSALAI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.892 OF 2009.

... 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 operation and execution of sentence imposed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputtur in S.C.No.178 of 2016 dated 22.03.2021 till the disposal of appeal and may be pleased to enlarge above petitioner/Appellant on bail till the disposal of pending appeal.

PRAYER IN CRL A(MD)No.174 of 2021:

Pleased to admit this appeal, to call for records, to set aside the judgment and conviction imposed against the appellants/accused No.1 and 2 by Learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur at Virudhunagar District in S.C.No.178 of 2016 dated 22.03.2021 in so far as against the Appellant/Accused NO.1 and 2 herein 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 M/S.D.FARJANA GHOSHIA, Advocate for M/S.VEERA ASSOCIATES, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 355 IPC, and sentenced her to undergo rigorous imprisonment for a period of one year and to pay a fine of



Rs.1,000/-, in default to undergo simple imprisonment for a period of three months in S.C.No.178 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputtur.

2.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.

3.It is submitted by the learned Government Advocate (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.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.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.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and 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 Fast Track Mahila Court, Virudhunagar District at Srivilliputtur and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m. pending appeal.

sd/-
08/04/2021

/ TRUE COPY /

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

TO

1.THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

<https://hcservices.mca.gov.in/>



2.THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-2996[I] dated
08/04/2021)

ORDER
IN
CRL MP (MD) No.2810 of 2021
in
CRL A (MD) No.174 of 2021
Date :08/04/2021

vsd
TK/PN/SAR.3/09.04.2021/3P/5C