



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

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

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2896 of 2021
in
CRL.R.C(MD)No.294 of 2021

1 SOOMBAL KRISHNASAMY @ KRISHNASAMY
2 POTTUKARA LAKSHMANAN
3 VEERAPANDI ... PETITIONERS/ PETITIONERS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
CRIME NO.176/2001
(ON THE FILE OF
THE SOOLAKARAI POLICE STATION)

... 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 substantial sentence passed against the petitioners/Accused no.1,2 and 4 above name in C.C.No.164 of 2003 by the order dated 21/09/2015 rendered by the Judicial Magistrate No.II, Virudhunagar and confirmed by the Additional District and Sessions Judge, Virudhunagar in C.A.No.31 of 2015 dated 11.03.2021 pending disposal of the above revision petition.

PRAYER IN CRL.R.C(MD)No.294 of 2021:

To call for the records and set aside the order of conviction and sentence rendered by the Judicial Magistrate No.II, Virudhunagar in C.C.No.164 of 2003 dated 21/09/2015 and confirmed by the Additional District and Sessions Judge, Virudhunagar in C.A.No.31 of 2015 by the order dated 11.03.2021.

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.ANANTHAPADMANABHAN, Advocate for M/S.APN LAW ASSOCIATES for the petitioners and of Mr.A.ROBINSON, Government Advocate(Criminal Side) on behalf of the Respondent, the court made the following order:-

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



The learned counsel for the petitioner submitted that the petitioners have been convicted by the learned trial judge, for the alleged offences under Sections 120(b) and 420 of IPC. The petitioners were convicted and sentenced to undergo simple imprisonment for 2 years and to pay a fine of Rs.2,000/-in default to undergo simple imprisonment for One Month for the offence under Section 420 of IPC and to undergo simple imprisonment for six months for the offence under Section 120(b) of IPC, in C.C.No.164 of 2003 on the file of the learned Judicial Magistrate No.II, Virudhunagar.

2. The learned Additional District and Sessions Judge, Virudhunagar, confirmed the conviction and sentence and dismissed the Criminal Appeal No.31 of 2015, dated 11.03.2021.

3. It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

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 petitioners 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 revision and further the criminal revision 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 petitioners herein are 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 revision and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-each, (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, and on further condition that the petitioners shall appear before the concerned Court daily at 10.30 a.m pending revision.



8.The petitioners are exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
16/04/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

4 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-3120[I] dated
16/04/2021)

ORDER

IN

CRL MP(MD) No.2896 of 2021 in
CRL.R.C(MD)No.294 of 2021

Date :16/04/2021

ksa

MS/VR/SAR-4/20.04.2021/3P.8C