



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2971 of 2021
in
CRL.A.(MD)No.187 of 2021

SIVAKUMAR

... PETITIONER/ APPELLANT

- Vs -

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM.
CRIME NO.9/2018.

... 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 of imprisonment imposed in S.C.No.55/2019 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Srivilliputhur (Fast Track Mahila Court, Virudhunagar District @ Srivilliputhur dated 18.03.2021 and enlarge the petitioner/ Appellant on bail, pending disposal of the above Criminal Appeal.

Prayer in CRL.A.(MD)No.187 of 2021:

To set aside the judgment and conviction dated 18.03.2021 made in S.C.No.55/2019 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Srivilliputhur (Fast Track Mahila Court, Virudhunagar District @ Srivilliputhur, and acquit the Appellant/ 1st Accused.

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.S.DEENADHAYALAN, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor 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 Sessions Judge, Mahalir Neethimandram, Srivilliputhur (Fast Track Mahila Court), Virudhunagar District @ Srivilliputhur, for the alleged offence under Section 420 of IPC and sentenced to undergo rigorous imprisonment for a period of three years and fine of Rs.3,000/-, in default to undergo simple imprisonment for a period of six months in



S.C.No.55 of 2019, on the file of the learned Sessions Judge, Mahalir Neethimandram, Srivilliputhur (Fast Track Mahila Court), Virudhunagar District @ Srivilliputhur, dated 18.03.2021.

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 Additional Public Prosecutor 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 prays for dismissal of this petition.

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 the learned Sessions Judge, Mahalir Neethimandram, Srivilliputhur (Fast Track Mahila Court), Virudhunagar District @ Srivilliputhur and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m pending appeal.

sd/-

09/04/2021

/ TRUE COPY /

/ /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, remains the responsibility of the advocate/litigant concerned.

<https://hcmr.judiciary.gov.in/hcmr-services>



TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMADRAM, SRIVILLIPUTHUR
(FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM.

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

+1CC to M/s.S.DEENADHAYALAN, Advocate (SR-3143[I] dated 16/04/2021)

ORDER

IN

CRL MP(MD) No.2971 of 2021 in
CRL.A.(MD)No.187 of 2021

Date :09/04/2021

sjj

MS/VR/SAR-2/16.04.2021/3P.5C