



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.2941 of 2021
in
CRL.A(MD)NO.185 of 2021

VIJI @ VIJAYAPANDIYAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT
CRIME. NO.415/2013

... 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 made in S.C.No.105 of 2015 dated 17/02/2020 on the file of the Additional District and Sessions Court, Sivagangai and enlarge him on bail pending disposal of the above appeal.

PRAYER IN CRL.A(MD)NO.185 of 2021:

pleased to call for records and set aside the judgment and sentence passed in S.C.No.105 of 2015 dated 17.02.2020 on the file of the Additional District and Sessions Court, Sivagangai.

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.JAYARAMACHANDRAN, Advocate for the petitioner and of MR.A.ROBINSON, GOVERNMENT ADVOCATE(CRL.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 294(b) IPC, and sentenced him to undergo rigorous imprisonment for a period of two months and for the alleged offence under Section 304(part 1) r/w 34 of IPC, and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/- in default to undergo rigorous



imprisonment for a period of six months in S.C.No.105 of 2015 on the file of the learned Additional District and Sessions Judge, Sivagangai.

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 the Additional District and Sessions Court, Sivagangai, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending appeal.

sd/-
08/04/2021

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

TO

1 THE JUDGE,
ADDITIONAL DISTRICT AND SESSIONS COURT,

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



2 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1. C.C. to MR.A.JAYARAMACHANDRAN, Advocate SR.No.2985

ORDER
IN
CRL MP (MD) No.2941 of 2021
in
CRL.A (MD) NO.185 of 2021
Date :08/04/2021

NR/PN/SAR-III (09.04.2021) 3P:6C