



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

Wednesday, the Fifth day of May Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL MP(MD) No.3500 of 2021

IN

CRL A(MD) No.213 of 2021

P.VIJAYABABU

... PETITIONER/APELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
G.VILAKKU POLICE STATION,
ANDIPATTI TALUK, THENI DISTRICT.
CRIME NO.166/2017.

... RESPONDENT/COMPLAINANT

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 imposed on the Petitioner by the Learned Principal Sessions Judge, Theni in S.C.No.159/2017 dated 31.03.2021 and enlarge the Petitioner on bail pending disposal of the main above Criminal Appeal on the file of this Hon'ble Court.

Prayer in CRL A(MD) No.213 of 2021:

To call for the records of Learned Principal Sessions Judge, Theni in S.C.No.159 of 2017 order dated 31.03.2021 and set aside the conviction and sentence and allow this 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.CHANDRAN.B., Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, while admitting the CRL.A., the court made the following order:-

This petition is filed to suspend the sentence awarded by the trial Court in S.C.No.159 of 2017, dated 31.03.2021 on the file of the learned Principal Sessions Judge, Theni.

2.The appellant was convicted and sentenced to undergo rigorous imprisonment for a period of three months for the offence under Section 323 IPC and to undergo rigorous imprisonment for a period of two years and pay a sum of Rs.10,000/- for the offence under Section 497 IPC. The appellant is to undergo simple imprisonment for a period of six



months. The period of imprisonment for the two sentences are ordered to run consecutively in S.C.No.159 of 2017 by the learned Principal Sessions Judge, Theni, dated 31.03.2021.

3. As against the said conviction and punishment, the petitioner has preferred an appeal in Crl.A.No.213 of 2021. In this criminal appeal, the petitioner has filed the present petition and prayed for the suspension of sentence pending disposal of the said appeal.

4. Heard the submissions made on both sides and perused the judgment and other records available.

5. The learned counsel appearing for the petitioner would submit that the trial Court has suspended the sentence on 31.03.2021 for 30 days.

6. After considering the above submissions, this Court finds that there are arguable points involved to be decided in the Criminal Appeal. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the Miscellaneous Petition is allowed and the sentence of imprisonment awarded by the trial Court is hereby suspended till the disposal of the appeal and the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate, Andipatti, subject to a condition that the appellant shall appear before the said Court once in a month i.e, on the first working day of every month at 10.30 A.M until further orders.

sd/-
05/05/2021

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

TO

1 THE PRINCIPAL SESSIONS JUDGE, THENI.

2 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



4 THE INSPECTOR OF POLICE,
G.VILAKKU POLICE STATION,
ANDIPATTI TALUK,
THENI DISTRICT.

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

ORDER
IN
CRL MP (MD) No.3500 of 2021
IN
CRL A (MD) No.213 of 2021
Date :05/05/2021

GNS/SSB
JM/VR/SAR IV/06.05.2021/3P/6C