



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

Friday, the Fourth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL MP (MD) No.3818 of 2021

IN

CRL A (MD) No.234 of 2021

PITCHAIMUTHU

... APPELLANT/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.131/2019

... 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 by the learned Principal Sessions Judge, Karur in S.C.NO.52 of 2019 dated 11/03/2021 and enlarge the Appellant on bail pending disposal of the above said Criminal Appeal.

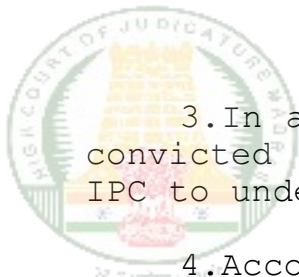
Prayer in CRL A(MD) No.234 of 2021:

To call for the records and set aside the sentence and conviction imposed by the learned Principal Sessions Judge, Karur in S.C.No.52 of 2019 dated 11.03.2021 and pass appropriate order or orders as this Hon'ble Court.

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.JINNAH.S.M.A., Advocate for the Appellant and of MR.M.MUTHU MANICKAM, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the order, dated, 11.03.2021, made in S.C.No.52 of 2019, by the Principal Sessions Judge, Karur, pending disposal of the Criminal Appeal.

2.This court heard the learned counsel on either side and also perused the materials placed on record.



3.In and by the impugned judgement, the Petitioner/ accused was convicted and sentenced for the offence under Section 304 (ii) of IPC to undergo two years Rigorous Imprisonment.

4.According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

5.The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-

(i) the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Karur, and on further condition that:

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(iii) the petitioner shall appear before the Trial Court as and when required.

sd/-
04/06/2021

/ TRUE COPY /

/ /2021

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
KARUR.

2 THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,

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



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

WEB COPY

ORDER
IN
CRL MP (MD) No.3818 of 2021
IN
CRL A (MD) No.234 of 2021
Date :04/06/2021

LS
JM/VR/SAR I/04.06.2021/3P/4C