



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

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

PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI

CRL MP (MD) No. 4227 of 2021
in
CRL A (MD) No. 257 of 2021

MAHARAJAN

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NANGUNERI,
TIRUNELVELI DISTRICT.

... 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 imposed on the petitioner by the judgment dated 31.03.2021 made in S.C.No.186 of 2017 by the Sessions Judge, Mahila Court, Tirunelveli and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

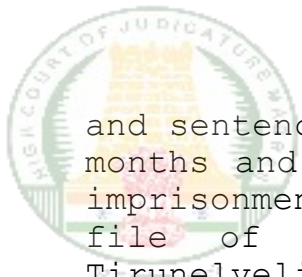
PRAYER IN CRL A (MD) . 257/ 2021 :

To call for records relating to the Judgment made in S.C.No.186 of 2017 dated 31.03.2021 passed by the Sessions Judge, Mahila Court, Tirunelveli and set aside the same and pass such other order or orders.

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.V.ANGUSAMY, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State Government (Crl.Side) for the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the judgment, dated 31.03.2021 made in S.C.No.186 of 2017 by the learned Sessions Judge, Mahila Court, Tirunelveli and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Judge, for the alleged offence under Section 354 IPC, and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 323 IPC,



and sentenced him to undergo simple imprisonment for a period of one months and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of two weeks in S.C.No.186 of 2017 on the file of the learned Sessions Judge, Mahalir Neethimandram, Tirunelveli.

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3.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.

4.It is submitted by the learned Standing Counsel appearing for State Government (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.

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 appearing 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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i)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, Mahila Court, Tirunelveli;

(ii)and on further condition that the petitioner shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending appeal.

sd/-

16/07/2021

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/ /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, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, TIRUNELVELI,
TIRUNELVELI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NANGUNERI,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.4227 of 2021
in
CRL A (MD) No. 257 of 2021
Date :16/07/2021

CM
USK/VR/SAR-III : 20/07/2021 : 3P/4C