



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

Thursday, the Thirteenth day of May Two Thousand and Twenty One

PRESENT

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

CRL MP(MD) No.3696 of 2021
in CrI.A.(MD).No.222 of 2021

S.THIRUMALAI MUTHUSAMY ... PETITIONER/ APPELLANT/ ACCUSED 1
-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
CBCID MADURAI, CBCID DINDIGUL UNIT,
DINDIGUL.
(CRIME NO.03/2014)

... RESPONDENT/ 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 and conviction imposed by the lower Additional District and Sessions Judge, Dindigul dated 27.04.2021 made in Special S.C.No.173/2017.

PRAYER IN CrI.A. (MD) .No.222 of 2021:

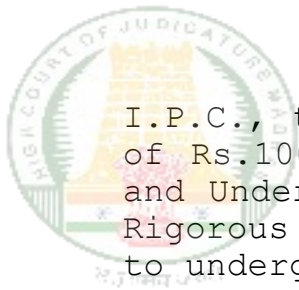
To call for the records and set aside the judgment dated 27.04.2021 made in Special S.C.No.173/2017 on the file of the learned Additional and District Judge, Dindigul and allow the above Criminal Appeal.

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.S.RAMSUNDARVIJAYARAJ, Advocate for M/S.VEERA ASSOCIATES for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

1. This Criminal Miscellaneous Petition has been filed by the Petitioner/1st Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 27.04.2019, made in Special S.C.No.173 of 2017, by the lower Additional District and Sessions Judge, Dindigul, 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/ 1st accused was convicted and sentenced for the offence under Sections 166 of



I.P.C., to undergo one year simple imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment and Under Section 304 (ii) r/w 34 of I.P.C., to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.

4. According to the learned counsel for the Petitioner/1st 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 Judicial Magistrate No.I, Dindigul 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 on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
13/05/2021

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/ /2021

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



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL.

2. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

4. THE INSPECTOR OF POLICE
CBCID MADURAI, CBCID DINDIGUL UNIT,
DINDIGUL.

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

ORDER

IN

CRL MP (MD) No.3696 of 2021

in

CrI.A. (MD) .No.222 of 2021

Date :13/05/2021

KMM

MS/PN/SAR-3/13.05.2021/3P.6C