



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

Tuesday, the Tenth day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4149 of 2021
in
Crl.A(MD)No.255 of 2021

CHINNADURAI

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.29/2017

... 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 passed by the Learned Assistant Sessions Judge, Tiruchendur in S.C.No.11 of 2018 dated 30.04.2021 and grant bail to the petitioner, till the disposal of the Criminal Appeal.

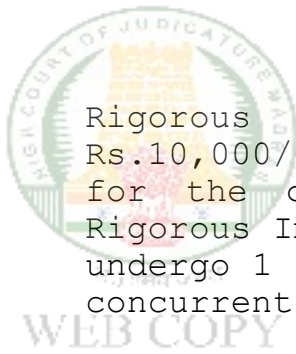
Prayer in Crl.A(MD)No.255 of 2021:

To allow this appeal and acquit the appellant from all the charges by setting as aside the impugned judgment passed by the learned Assistant Sessions Court, Tiruchendur in S.C.No.11 of 2018 dated 30.04.2021.

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.ARUL VADIVEL @ SEKAR, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State(Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend sentence imposed against the petitioner by the Assistant Sessions Judge, Tiruchendur, in SC No.11 of 2018, dated 30.04.2021 and enlarge him on bail pending disposal of main Criminal Appeal.

2.The learned counsel appearing for the petitioner/Accused submitted that the petitioner was convicted by the trial court for the offence under section 294(b) IPC and imposed a fine of Rs.1,000/-, in default to undergo 20 days Simple Imprisonment and for the offence under section 307 IPC (3 counts) to undergo 10 years



Rigorous Imprisonment for each count and to pay a fine of Rs.10,000/-, in default to undergo 1 year Simple Imprisonment and for the offence under section 506(i) IPC, to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo 1 year Simple Imprisonment and directed the sentences to run concurrently.

3.The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioner is in jail from 30.04.2021 and prays for suspension of sentence.

4.It is submitted by the learned Government Advocate (Criminal side) appearing for the State that the trial court on proper appreciation of evidence both oral and documentary, has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

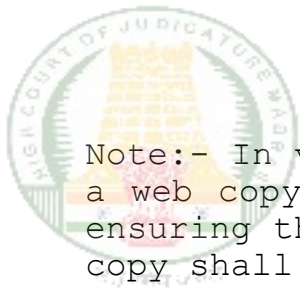
6.The learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken 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 suspension of sentence.

7.Accordingly, this 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 he 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 Assistant Sessions Judge, Tiruchendur and on further condition that the petitioner shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm, pending appeal.

sd/-
10/08/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

1 THE ASSISTANT SESSIONS JUDGE, TIRUCHENDUR.

2 THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

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

ORDER

IN

CRL MP(MD) No.4149 of 2021 in
Crl.A(MD)No.255 of 2021

Date :10/08/2021

er

MS/VR/SAR-1/11.08.2021/3P.5C