



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

Tuesday, the Thirty First day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4008 of 2021

IN

CRL A(MD) No.225 of 2021

ARUNKUMAR

... PETITIONER/1st APPELLANT

Vs

STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR SUB DIVISION,
MELUR POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO. 624 OF 2007.

... 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 against the petitioner/1st Appellant in S.C.No.676 of 2018 on the file of the Learned Additional District and Sessions Judge, Mahila Court, Madurai, dated 16.04.2021 and enlarged here on Bail.

PRAYER IN CRL A(MD) No.225 of 2021:

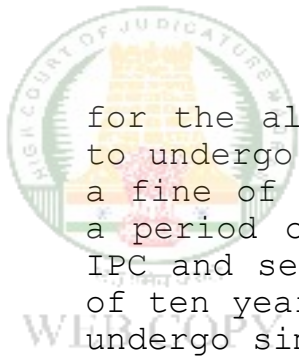
To admit the Appeal preferred by this Appellants/Accused and call for the records of the order passed in S.C.No.676 of 2018 on the file of the learned Additional District and Sessions Judge, Mahila Court, Madurai dated 16.04.2021 and set aside the conviction and sentence imposed on the Appellants.

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.N.ANANTHAPADMANABHAN, Advocate for M/S.APN LAW ASSOCIATES, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in S.C.No.676 of 2018, dated 16.04.2021 by the learned Additional District and Sessions Judge, Mahila Court, Madurai and enlarge the petitioner/accused on bail.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the learned trial judge,

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for the alleged offence under Section 498(A) IPC and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months and for the offence under Section 304(B) IPC and sentenced him to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of three months in S.C.No.676 of 2018 on the file of the learned Additional District and Sessions Judge, Mahila Court, Madurai.

3.It is submitted by the learned counsel appearing 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 and he prayed for suspension of sentence.

4.It is submitted by the learned 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 Additional District and Sessions Judge, Mahila Court, Madurai;



(ii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending appeal.

WEB COPY

sd/-
31/08/2021

/ 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.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MAHILA COURT, MADURAI
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
3. THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR SUB DIVISION, MELUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.4008 of 2021
IN
CRL A(MD) No.225 of 2021
Date : 31/08/2021

SA/VR/SAR.4/01.09.2021/3P/5C