



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

Tuesday, the Twenty Seventh day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4725 of 2021
IN
CRL A(MD) No.372 of 2020

T.VETRIVEL

... PETITIONER/ APPELLANT/
ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
SWAMIMALAI,
THANJAVUR DISTRICT.
(CRIME NO.221/17)

... RESPONDENT/ 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 execution of sentence passed in S.C.No.247/2018 on the file of the Hon'ble Mahila Judge(Fast Track),Thanjavur dated 26.11.2019, and be released on bail on his own bond pending disposal of the instant criminal appeal.

PRAYER IN CRL A(MD) No.372 of 2020:

To call for the judgment in S.C.No.247 of 2018 on the file of the Hon'ble Mahila Court (Fast Track)Judge, Thanjavur dated 26.11.2019 and set aside the same and acquit the accused from the charge framed against him.

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.SANKAR, Advocate for the Appellant and of Mr.RMS.SETHURAMAN, Counsel for State Government (Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the execution of sentence imposed against the petitioner passed in S.C.No.247 of 2018, dated 26.11.2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Thanjavur.



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 307 IPC, and sentenced him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of one year in S.C.No.247 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Thanjavur.

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. He further submitted that the petitioner is in custody from 26.11.2019 and prayed the sentence to be suspended.

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 Judicial Magistrate No.II, Kumbakonam;



(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/-
27/07/2021

WEB COPY

/ 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 MAHILA JUDGE (FAST TRACK)
THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPALLI.

5 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
SWAMIMALAI, THANJAVUR DISTRICT.

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

+1 CC to M/S.S.SANKAR, Advocate (SR-4864[I] dated 28/07/2021)

ORDER
IN
CRL MP(MD) No.4725 of 2021
IN
CRL A(MD) No.372 of 2020
Date : 27/07/2021

VSD
MS/JC/SAR-3/28.07.2021/3P.8C