



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

Monday, the Twenty Sixth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI

CRL MP (MD) No.5076 of 2021
in
CRL RC (MD) No.31 of 2021

MURUGESH

... PETITIONER/2nd PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME No.77 OF 2017).

... RESPONDENT/RESPONDENT

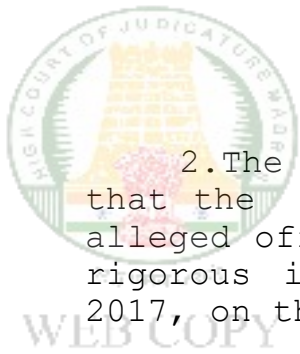
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of imprisonment imposed by the Learned IV-Additional Sessions Judge, Tirunelveli in CA.No.75 of 2018 by Judgment dt.31.1.2020, confirming the Judgment and conviction imposed by the Learned Judicial Magistrate, Ambasamudram made in CC.No.271 of 2017 dated 03.07.2018 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL RC (MD) . 31/ 2021 :

To call for the records pertaining to the judgment passed by the learned Judicial Magistrate, Ambasamudram, in C.C.No.271 of 2017 dated 3.7.2018 convicting the petitioners offence under section 380 of I.P.C. and sentenced him to undergo one year Rigorous imprisonment and the same was confirmed by the 4th Additional Sessions Judge, Tirunelveli District in C.A.No.75 of 2018 dated 31.1.2020 and set aside the same and pass any other 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.S.KRISHNAN, Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence of imprisonment imposed by the learned IV Additional Sessions Judge, Tirunelveli in C.A.No.75 of 2018, dated 31.01.2020, confirming the judgment and conviction imposed by the learned Judicial Magistrate, Ambasamudram in C.C.No.271 of 2017, dated 03.07.2018 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 380 IPC, and sentenced him to undergo rigorous imprisonment for a period of one year in C.C.No.271 of 2017, on the file of the learned Judicial Magistrate, Ambasamudram.

3.The learned IV Additional Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.75 of 2018, dated 31.01.2020.

4.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.

5.Mr.P.Kottaichamy, learned Standing Counsel appearing for State Government (Crl.side) submitted that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7.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 revision and further the criminal revision 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.

8.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing 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, Ambasamudram and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
26/07/2021

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/ /2021

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



1. THE IV ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2. THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

4. THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
(NOW COME UNDER TENKASI DISTRICT).

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

ORDER
IN
CRL MP (MD) No.5076 of 2021
in
CRL RC (MD) No.31 of 2021
Date :26/07/2021

vsd
USK/VR/SAR-IV : 27/07/2021 : 3P/6C