



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

Thursday, the Ninth day of September Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.5690 of 2021

IN

CRL A(MD)No.340 of 2021

M.MANIVEL

... PETITIONER/APPELLANT/ACCUSED

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
MUSIRI DIVISION,
KATTUPUTHUR POLICE STATION.
CRIME NO. 140 OF 2017.

... 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 Sentence and conviction imposed by the 1st Additional and District Sessions Judge (PCR), Tiruchirappalli dated 29.07.2021 made in Spl.SC.No.39 of 2018.

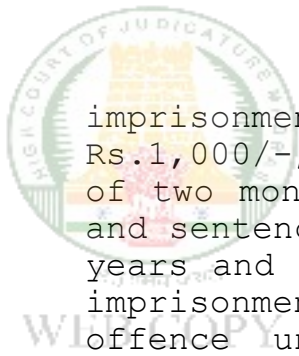
PRAYER IN CRL A(MD)No.340 of 2021:

To call for the records to set aside the order dated 29.07.2021 passed in Spl.S.C.No.39 of 2018, on the file of the 1st Additional and District Sessions Judge(PCR), Tiruchirapalli.

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.RAMSUNDARVIJAYRAJ, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State(crl.side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence and conviction imposed by the I Additional District and Sessions Judge (PCR), Tiruchirappalli, dated 29.07.2021 in Spl.S.C.No.39 of 2018.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 323 IPC (2 counts) and sentenced him to undergo simple imprisonment for a period of one year each and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a period of two months and for the alleged offence under Section 3(2)(va) of SC/ST (POA)Act, 1989 and sentenced him to undergo simple



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 two months and for the alleged offence under Section 506(i) IPC and sentenced him to undergo simple imprisonment for a period of two 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 3(2)(va) of SC/ST (POA) Act, 1989 and sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months in Spl.S.C.No.39 of 2018 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirapalli.

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. The learned counsel for the petitioner further submitted that suspension of sentence has already been granted by the trial court for a period of one month.

4.It is submitted by the learned counsel for State Government (Crl.side) appearing for the respondent 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 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 and 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 I Additional District and Sessions Judge (PCR), Tiruchirapalli, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m pending appeal.

sd/-
09/09/2021

/ TRUE COPY /

/ /2021

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



1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR) ,
TIRUCHIRAPPALLI

2.THE DEPUTY SUPERINTENDENT OF POLICE,
MUSIRI DIVISION,
KATTUPUTHUR POLICE STATION.

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

+1. C.C. to Mr.S.RAMSUNDARVIJAYRAJ, Advocate SR.No.6116

ORDER

IN

CRL MP (MD) No.5690 of 2021

IN

CRL A (MD) No.340 of 2021

Date :09/09/2021

SA/VR/SAR.1/13.09.2021/3P/5C