



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

Thursday, the Nineteenth day of August Two Thousand and Twenty One
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6083 of 2021
IN
CRL A(MD) No.170 of 2020

PALANI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
RAILWAY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.62 OF 2013)

... 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 on the petitioner appellant in S.C.No.46 of 2016 on the file of the Learned Additional Sessions Judge (in charge) Fast Track Mahila Court Ramanathapuram dt 10.03.2020 and enlarge him on bail pending disposal.

Pryaer in CRL A(MD) No.170 of 2020:

To call for the records and set aside the judgment of conviction and sentence rendered by the learned Additional Sessions Judge (In Charge) Fast Track Mahila Court, Ramanathapuarum in S.C.No.46 of 2016 dated 10.03.2020 as against the appellants(A1 and A2) above named.

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.ANANTHAPADMANABHAN, Advocate for M/S. APN LAW ASSOCIATES 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 imposed on the petitioner in S.C.No.46 of 2016, dated 10.03.2020 by the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram District and enlarge the petitioner/accused on bail pending disposal of the Criminal Appeal.

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 306 IPC, and sentenced him to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a period



of six months in S.C.No.46 of 2016 on the file of the learned Sessions Judge(i/c), Fast Track Mahila Court, Ramanathapuram District.

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:-

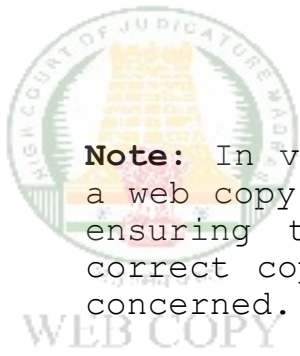
(i)the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge (i/c), Fast Track Mahila Court, Ramanathapuram;

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

sd/-
19/08/2021

/ 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 SESSIONS JUDGE (IN CHARGE)
FAST TRACK MAHILA COURT, RAMANATHAPURAM.
- 2.THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 3.THE INSPECTOR OF POLICE
RAILWAY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.6083 of 2021

IN

CRL A (MD) No.170 of 2020

Date :19/08/2021

SA/VR/SAR.3/19.08.2021/3P/5C