



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.6610 of 2021
in
CRL.R.C. (MD) No.476 of 2021

1 VIVEKANANTHAN
2 PANDIYAMMAL

... PETITIONERS/ PETITIONERS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ILLACHEMBUR POLICE STATION,
RAMANTHAPURAM DISTRICT.

... RESPONDENT/ RESPONDENT

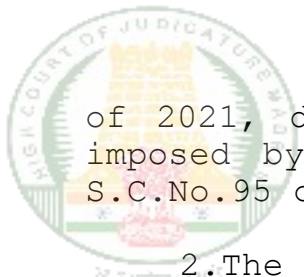
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner in Crl.A.No.2 of 2021 dated on 22.04.2021 by the Learned Principal District and Sessions Judge, Ramanathapuram Which confirming the judgment of conviction and sentence passed by the learned Assistant Sessions Judge, Muthukulathur in S.C.No.95 of 2011 dated 30.11.2020 pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL.R.C. (MD) No.476 of 2021:

To call for the records pertaining to the impugned judgment of conviction and sentence passed by the learned District and Sessions Judge, Ramanathapuram in Crl A.No.2 of 2021 dated 22.04.2021 confirming the judgment of conviction and sentence passed by the learned Assistant Sessions Judge, Muthukulathur in S.C.No.95 of 2011 dated 30.11.2020 and set aside same.

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.G.KARUPPASAMY PANDIYAN, Advocate for the petitioners and of Mr.RMS.SETHURAMAN, Counsel for State(Criminal Side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.A.No.2



of 2021, dated 22.04.2021, confirming the judgment and conviction imposed by the learned Assistant Sessions Judge, Mudukulathur in S.C.No.95 of 2017, dated 30.11.2020.

2.The learned counsel appearing for the petitioners submitted that the first petitioner has been convicted by the trial Court for the alleged offence under Section 307 IPC, and sentenced him to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of one year and the second petitioner has been convicted by the trial Court for the alleged offence under Section 325 IPC and sentenced her to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of six months in S.C.No.95 of 2011, on the file of the learned Assistant Sessions Judge, Mudukulathur.

3.The learned Principal District and Sessions Judge, confirmed the conviction and sentence and dismissed the Criminal Appeal No.2 of 2021, dated 22.04.2021.

4.It is submitted by the learned counsel appearing for the petitioners 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.RMS.Sethuraman, learned counsel appearing for State Government (Crl.side) submitted that there are enough materials available on record against the petitioners 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 petitioners 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 petitioners herein are 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 petitioners are directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, on further condition that the petitioners 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/-
09/09/2021

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/ TRUE COPY /

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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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
2. THE ASSISTANT SESSIONS JUDGE,
MUTHUKULATHUR.
3. THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
5. THE INSPECTOR OF POLICE
ILLACHEMBUR POLICE STATION,
RAMANTHAPURAM DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.6610 of 2021 in
CRL.R.C. (MD) No.476 of 2021
Date :09/09/2021
2/3

vsd
MS/VR/SAR-1/13.09.2021/3P.7C