



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

Wednesday, the Fifteenth day of December Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.MP (MD) No.11244 of 2021

in

Crl.A (MD) No.518 of 2021

GANESH PANDIAN

... PETITIONER/ APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/ RESPONDENT

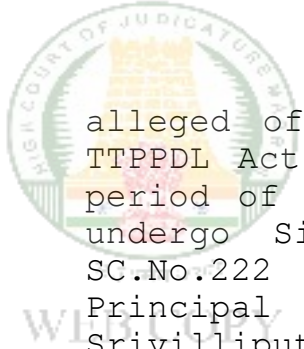
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of imprisonment in SC.No.222 of 2015 dt.29.10.2021 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and enlarge the Petitioner/Sole Accused on bail,till the disposal of the Criminal Appeal.

Prayer in Crl.A(MD)No.518 of 2021:

To admit this appeal and call for the records relation to the judgment dated 29.10.2021 in S.C.No.222/2015 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same by acquitting the Appellant/Accused and allow this Criminal Appeal.

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.P.MUTHUSAMY, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the Respondent While admitting the CRL.A., the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in SC.No.222 of 2015, dated 29.10.2021 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, and enlarge the petitioner/Sole Accused on bail, till the disposal of the Criminal Appeal.



alleged offence under Sections 294(b), 506(ii) of IPC and 3 (I) TTPDL Act, and sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.1000/-, in default to undergo Simple Imprisonment for a period of three months in SC.No.222 of 2015, dated 29.10.2021 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.

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.

4. It is submitted by the learned Government Advocate (Crl.Side) that there are enough materials available on record against the petitioner.

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 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 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 Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur.

(ii) On further condition that the petitioner shall appear before the said Court once in a month ie., on the first working day of every month at 10.30 am, pending appeal.

sd/-
15/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to Mr.P.MUTHUSAMY, Advocate SR.No.9350.

ORDER
IN
Crl.MP(MD)No.11244 of 2021
in
Crl.A(MD)No.518 of 2021
Date :15/12/2021

MK/PN/SAR 4/17/12/2021/3P/5C