



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

Thursday, the Sixteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

WEB COPY

CRL MP(MD) No.11289 of 2021

IN

CRL A(MD)No.522 of 2021

1 C.RAJKUMAR

2 A.ANGAMMAL

... PETITIONERS/APPELLANTS/

ACCUSED Nos.3 & 4

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

MUDUKALATHUR POLICE STATION,

RAMANATHAPURAM DISTRICT.

(CRIME NO.96/2013)

... 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 imposed by the judgement dated 29/11/2021 made in S.C.No.102/2017 on the file of the Additional District Court, Paramakudi and enlarge the petitioners on bail pending disposal of the above appeal.

PRAYER IN CRL A(MD)No.522 of 2021:

Pleased to call for the records relating to the judgment dated 29.11.2021 made S.C.No.102/2017 on the file of the Learned Additional District Judge and set aside the conviction and sentence imposed against the appellants/accused and allow above appeal by acquitting the accused.

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.AJMAL KHAN, Senioer Advocate for M/S.AJMAL ASSOCIATES, for the petitioners and of Mr.K.SANJAY 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.102 of 2017, dated 29.11.2021, on the file of the Additional District Court, Paramakudi, and enlarge the petitioners/Accused Nos.3 & 4 on bail, till the disposal of the Criminal Appeal.

2. The learned counsel appearing for the petitioners submitted that the petitioners were convicted by the trial Judge, for the alleged offence under Section 147 of IPC and sentenced to undergo



Simple Imprisonment for a period of two years and for the offence under Section 323 of IPC, sentence to undergo Simple Imprisonment for a period of one year, in SC.No.102 of 2017, dated 29.11.2021, on the file of the learned Additional District Court, Paramakudi.

3. It is submitted by the learned counsel 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.

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

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 petitioners 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 petitioners 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 petitioners are directed to be enlarged on bail on condition that the petitioners 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 Additional District Court, Paramakudi.

(ii) On further condition that the petitioners 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/-

16/12/2021

/ TRUE COPY

20/12/2021

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

TO

1 THE ADDITIONAL DISTRICT JUDGE, PARAMAKUDI.



2 THE INSPECTOR OF POLICE
MUDUKALATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. C.C. to M/S.AJMAL ASSOCIATES, SR.No.9472

ORDER

IN

CRL MP (MD) No.11289 of 2021

IN

CRL A (MD) No.522 of 2021

Date :16/12/2021

SA/PN/SAR.2/20.12.2021/3P/5C