



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL.M.P.(MD)No.4264 of 2022

in

CRL.A(MD)No.259 of 2022

NIHAL

... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.390/2016)

... RESPONDENT / RESPONDENT

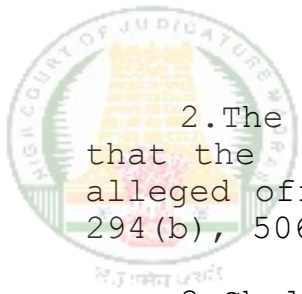
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of Imprisonment imposed by the Learned Additional District and Sessions Court (FTC) Tenkasi in S.C.No.599/2018 by the Judgment dated 15.03.22 and enlarge the Petitioner / Appellant on bail, pending disposal of the above said Criminal Appeal.

Prayer in CRL.A(MD)No.259 of 2022:

To call for the records and acquit the appellant from all the charges by setting aside the impugned judgment passed by the learned Additional District & Sessions Judge(FTC), Tenkasi in S.C.No.599 of 2018 by judgment dated 15.03.2022.

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.V.M.JEGADEESHA PANDIAN, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

This petition is filed to suspend the sentence passed in S.C.No.599 of 2018 dated 15.03.2022, on the file of the learned Additional District and Sessions Judge (FTC), Tenkasi.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offences punishable under Sections 3 of T.N.P.P.D.L Act and 294(b), 506(2) IPC.

3.Challenging the above said conviction and sentence, the petitioner has filed present Criminal Appeal in Crl.A(MD).No.259 of 2022, before this Court along with the instant miscellaneous petition seeking suspension of sentence.

4.The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further, there are contradictions in the material particulars between the evidence of the prosecution witnesses. He would further submit that the Court below suspend the sentence of the petitioner by its order dated 15.03.2022.

5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner 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 petitioner pointed out that on 15.03.2022, the Court below suspend the sentence of the petitioner. 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 suspension of sentence.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge (FTC), Tenkasi.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and



(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m for a period of four weeks, thereafter, once in a month, till the disposal of this Criminal Appeal.

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sd/-
04/04/2022

/ TRUE COPY /

04/04/2022

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 DISTRICT AND SESSIONS JUDGE (FTC),
TENKASI.
- 2 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION, TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P. (MD) No.4264 of 2022
in
CRL.A (MD) No.259 of 2022
Date : 04/04/2022

PNM
MK/PN/SAR.IV/04.04.2022/3P/4C