



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

Thursday, the Nineteenth day of May Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.5588 of 2022
IN
CRL A(MD) No.533 of 2021

MURUGABOOBATHI
NOW CONFINED AT CENTRAL PRISON,
MADURAI AS A CONVICT PRISONER.,

... PETITIONER/APPELLANT
/ACCUSED NO.1

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO. 575 OF 2010.

... RESPONDENT/RESPONDENT
/COMPLAINANT

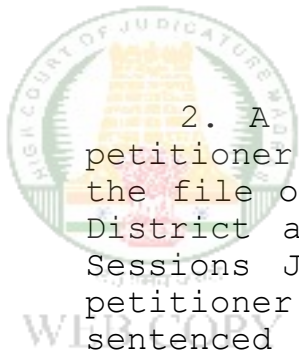
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner by the Learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur by judgment in S.C No. 121 of 2011 dated 07.12.2021 and enlarge him on bail pending disposal of the Criminal Appeal.

PRAYER IN CRL A(MD)No. 533 OF 2021:

To call for the records of the impugned judgment made in S.C.No.121 of 2011 dated 07/12/2021 on the file of the Learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur and set aside the 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.M.JEGADEESH PANDIAN, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in S.C.No.121 of 2011 dated 07.12.2021, till the disposal of the appeal.



2. A case in Crime No.575 of 2010 was registered against the petitioner and the same was taken on file as S.C.No.121 of 2011 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur found the petitioner guilty under Sections 387, 355, 436 IPC and convicted and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default, to undergo nine months simple imprisonment under Section 387 IPC and sentenced him to undergo six months rigorous imprisonment and to pay a fine of Rs.1,000/- in default, to undergo 45 days of simple imprisonment under Section 355 IPC and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/- in default, to undergo one year simple imprisonment under Section 436 IPC. Against the conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD) No.533 of 2021. Along with the appeal, the petitioner has filed petitions in Crl.M.P.(MD) Nos.11654 of 2021 and 1383 of 2022 and the same were dismissed by this Court, by an order dated 03.01.2022 and 23.02.2022 respectively. Again the petitioner has filed the present petition for suspension of sentence pending disposal of the said appeal.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in custody from the date of Judgment and it is the third application and hence, prayed the sentence to be suspended till the disposal of the appeal.

4. The learned Government Advocate (Crl.Side) has submitted that the petitioner is having five previous cases at his credit and he had paid the fine amount.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and 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 and on further condition that the petitioner shall appear before the said Court weekly twice i.e., on every Monday and Friday at 10.30 a.m. pending disposal of the appeal.

sd/-
19/05/2022

/ TRUE COPY /

20/05/2022
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 SRIVILLIPUTTUR.

2 THE INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-4848[I] dated 20/05/2022

ORDER
IN
CRL MP (MD) No.5588 of 2022
IN
CRL A (MD) No.533 of 2021
Date :19/05/2022

PKP/SVR/SAR-2/20.05.2022/3P/6C