



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

Monday, the Thirteenth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.5760 of 2022
in
CRL.A.(MD)No.303 of 2022

C.SAKTHIVEL

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
CBCID, CC WING,
TRICHY.
(CR. NO 1/2015)

... 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 to undergo two years of Rigorous Imprisonment for an offence u/s 489(C) of IPC imposed upon the petitioner in the Judgment dated 22.02.2022 in S.C No. 44 of 2016 by the Hon'ble II Addl District and Sessions Judge, Trichy pending disposal of this Criminal Appeal

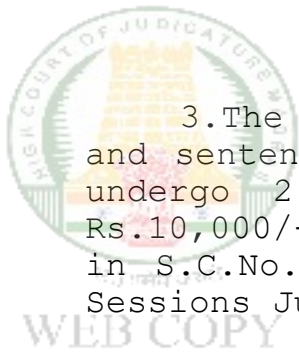
PRAYER IN CRL.A.(MD)No.303 of 2022 :

Pleased to allow the Appeal and acquit the appellant/accused by set aside the Judgment dated 22.02.2022 in S.C.No.44 of 2016 on the file of the Hon'ble II Additional District & Sessions Court, Trichy.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.GANPATHI SUBRAMANIAN.P., Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.



3.The petitioner has been convicted by the learned trial Judge and sentenced him for the offence under Section 489(C) of IPC, to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months Rigorous Imprisonment, in S.C.No.44 of 2016 on the file of the II Additional District & Sessions Judge, Trichy.

4.The learned counsel appearing for the petitioner has raised substantial points in the memorandum of appeal, which requires a detailed consideration by this Court.

5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released on bail on his executing 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 II Additional District & Sessions Judge, Trichy and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 am, pending appeal.

sd/-
13/06/2022

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/ /2022

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

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TRICHY.
2. THE INSPECTOR OF POLICE,
CBCID, CC WING, TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.5760 of 2022
in
CRL.A.(MD)No.303 of 2022
Date :13/06/2022