



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

Tuesday, the Sixteenth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.5866 of 2022
in
Crl.A.(MD)No.38 of 2022

KUTTA VINOTH @ VINOTH KUMAR

... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALLA PERAMBUR POLICE STATION,
KALLA PERAMBUR,
THANJAVUR DISTRICT.
CRIME NO.100/2015

... RESPONDENT / RESPONDENT

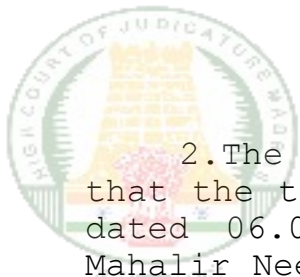
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by Suspending the sentence imposed upon him in S.C.No.15/2017 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Thanjavur District, dated 06.01.2022 pending disposal of the main Criminal Appeal.

Prayer in Crl.A.(MD)No.38 of 2022:

To call for the records in S.C.No.15 of 2017 on the file of the Learned Sessions Judge, Mahalir Neethimandram, (Fast Track Court) Thanjavur, Thanjavur District and SET ASIDE the judgment dated 06.01.2022 and acquit the Appellants of the Charge leveled against them.

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.K.VEILMUTHU, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.C.No.15 of 2017, dated 06.01.2022, on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur, till the disposal of this Criminal Appeal.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner in S.C.No.15 of 2017, dated 06.01.2022, on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur, for the offence under Section 342 IPC and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months Rigorous Imprisonment and for the offence under Section 376(1) IPC and sentenced him to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo two years Rigorous Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel for the petitioner further submitted 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.The learned Additional Public Prosecutor submitted that the bail order was cancelled on 18.07.2017 and on that date itself, the petitioner was arrested and he is in judicial custody till now. He further submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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 for the petitioner pointed out that 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 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 grant of suspension of sentence.

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

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur, Thanjavur District.



(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

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(iii) The petitioner shall appear before the concerned Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

16/08/2022

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17/08/2022

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

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, (FAST TRACK MAHILA COURT),
THANJAVUR.

2 THE INSPECTOR OF POLICE
KALLA PERAMBUR POLICE STATION, KALLA PERAMBUR,
THANJAVUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-8559[I] dated 16/08/2022)

ORDER

IN

Crl.M.P(MD)No.5866 of 2022
in Crl.A.(MD)No.38 of 2022
Date :16/08/2022

MK/VR/SAR.III/17.08.2022/3P/6C