



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

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

CRL MP(MD) No.5937 of 2022

IN

CRL A(MD) No.337 of 2022

SHYAM PRASATH

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.159 OF 2014)

... 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 conviction and sentences imposed by the learned Sessions Judge, Mahalir Neethimandram, Tirunelveli in S.C.No.193 of 2016, Dated 13.04.2022 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD) No.337 of 2022:

To call for the records and set aside the conviction and sentences imposed by the Learned Sessions Judge, Mahalir Neethimantram, Tirunelveli in S.C.No.193 of 2016 dated 13.04.2022 and acquit the Appellant.

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.J.PAREKHKUMAR, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The petitioner seeks suspension of sentence imposed on him for the offences under Sections 147, 448, 307 r/w 149, 323 r/w 149, 294 (b) and 506(i) of I.P.C and Section 3(i) of the Tamil Nadu Property (Prevention of damage and Loss) Act and also under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, vide judgment, dated 13.04.2022 in S.C.No.193 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimantram, Tirunelveli.



2.The learned counsel for the petitioner would submit that the petitioner is arrayed as 9th accused and the trial Court failed to consider the facts that either P.W.1 or other witness of the prosecution in their complaint or statement never stated about the alleged accused damaging electronic scale and they never stated that the accused attacked them with Aruval. The co-accused were already suspended vide order, dated 11.05.2022 made in Crl.M.P(MD)No.5821 of 2022 in Crl.A(MD)No.336 of 2022.

3.Heard Ms.M.Aasha, learned Government Advocate (Criminal Side) for the respondent.

4.On an over-all analysis of the evidence and also co-accused were already released on bail, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5.Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

i.The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram.

ii.The petitioner shall appear before the learned Sessions Judge, Mahalir Neethimantram, Tirunelveli, once in a month ie., first Monday of every month at 10.30 a.m., till the disposal of the Criminal 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 SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



4 THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.J.PAREKH KUMAR, Advocate (SR-4923[I] dated
20/05/2022)

ORDER
IN
CRL MP(MD) No.5937 of 2022
IN
CRL A(MD) No.337 of 2022
Date :19/05/2022

RS/SVR/SAR.2 (20.05.2022) 3P-7C