



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

Wednesday, the Eleventh day of May Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.6028 of 2022

IN

CRL A(MD) No.345 of 2022

MARISELVAM

... PETITIONER/APPELLANTS/ACCUSED No.8

Vs

THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO. 159/2014

... 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 by the Learned Mahila court, Tirunelveli in S.C No. 193/2016 dated 13.04.2022 and release the petitioner on bail pending disposal of the above criminal appeal.

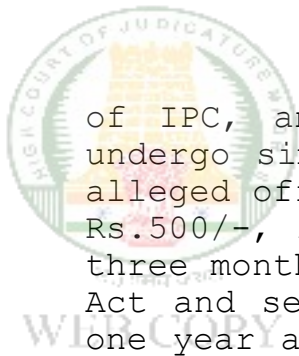
PRAYER IN CRL A(MD) No.345 of 2022:

Pleased to call for the entire records connected with the proceedings of the Judgment of conviction passed by the Learned Mahila Court, Thirunelveli in S.C.No.193/2016 dated 13.04.2022 and set aside the same and acquit the appellant/A8 from all the charges.

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. BHAGAVATH SINGH, Advocate for the petitioner while admitting the CRL A., the Court made the following order:-

This petition has been filed praying to suspend the sentence imposed against the petitioner in S.C.No.193 of 2016, dated 13.04.2022 by the Mahila Court, Tirunelveli.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offences under Section 147 of IPC and sentenced to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of three months. For the alleged offence under Section 448



of IPC, and sentenced to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of three months. For the alleged offence under Section 506(i), and sentenced to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of three months. For the alleged offence under Section 3(1) TNPPDL (P) Act and sentenced to undergo rigorous imprisonment for a period of one year and pay a sum of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months. For the offence under Section 307 r/w 149 of IPC and sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of three months. For the offence under Section 323 r/w 149 of IPC and sentenced to pay a fine of Rs.100/-, in default to undergo simple imprisonment for a period of three months.

3.The learned counsel for the petitioner 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. The learned counsel for the petitioner further submitted that suspension of sentence has already been granted by the trial court in CrI.M.P.No.3288 of 2022 on 13.04.2022 for a period of one month.

4.The learned Additional Public Prosecutor submitted that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

5.Considering the nature of the offence alleged to have been committed by the petitioner/appellant and also quantum of punishment imposed against him, this Court is of the view to suspend the sentence imposed in S.C.No.193 of 2016 till the disposal of Criminal Appeal No.345 of 2022 and also decided to grant bail subject to the following conditions.

6.In fine, this petition is allowed and the sentence imposed in S.C.No.193 of 2016 is alone suspended till the disposal of Criminal Appeal No.345 of 2022 and the petitioner shall be released on bail on executing a bond to the tune of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Mahila Court, Tirunelveli. The petitioner is directed to report before the learned Sessions Judge, Mahila Court, Tirunelveli, daily at 10.30 a.m., until further orders.

sd/-
11/05/2022

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11/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SESSIONS JUDGE,
MAHILA COURT, TIRUNELVELI.

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

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

+1 CC to M/s.G.BHAGAVATH SINGH, Advocate (SR-4580[I] dated
11/05/2022)

ORDER

IN

CRL MP (MD) No.6028 of 2022

IN

CRL A (MD) No.345 of 2022

Date :11/05/2022

SS/VR/SAR:IV/11.05.2022 : 3P/5C