



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

Friday, the Eighth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL.M.P.(MD)No.6798 of 2022
in
CRL.R.C.(MD)No.752 of 2021

A.ARUN

... PETITIONER / APPELLANT / ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
MANAPPARAI POLICE STATION, TRICHY.
CRIME NO.272/2014

... 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 upon the petitioner passed by the Honourable Session Court Tiruchirapalli in C.A.No.37/2016 dated 02.06.2017 in C.C.No.146/2014 on the file of the learned Judicial Magistrate Manapparai and release Appellant on bail till the disposal of the appeal.

Prayer in CRL RC(MD). 752/ 2021 :

To call for the records in the Judgment of the Sessions Court,Tiruchirapalli Division,in Crl.A.No.37 of 2006 dated 2.6.2017 which was confirmed CC.No.146 of 2014 by the Judicial Magistrate,Manapparai dated 13.6.2016 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.R.ALAGUMANI, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed upon the petitioner passed by the Sessions Court, Tiruchirapalli in C.A.No.37 of 2016, dated 02.06.2017 in C.C.No.146 of 2014 on the file of the learned Judicial Magistrate, Manapparai, dated 13.06.2016 and release the petitioner on bail till the disposal of the revision.

2.The case of the prosecution is that on 11.08.2014, at about 14.00 hours, the defacto complainant kept a sum of Rs.68,710/- in the dash board of the car, which was parked near the bank and that the accused diverted the attention of P.W.1 and P.W.2 and had stolen the money. A case was registered in C.C.No.146 of 2014 on the file of the learned Judicial Magistrate, Manapparai. After trial, the



trial Court found the petitioner guilty and convicted the petitioner and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo six months rigorous imprisonment for the offence under Section 379 IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in C.A.No.37 of 2016 before the learned Sessions Judge, Tiruchirappalli. The appellate Court confirmed the conviction and the sentence imposed by the trial Court and dismissed the appeal. Aggrieved by the said dismissal, the petitioner has preferred the present Criminal Revision Case along with the Criminal Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel appearing 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.

4.It is evident from the records that the petitioner's earlier three applications for suspension of sentence were dismissed by this Court vide orders, dated 09.11.2021, 30.11.2021 and 25.02.2022. The petitioner has now come forward with the fourth application for suspension of sentence.

5.The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner is not having any previous case for property offences and out of Rs.68,710/-, Rs.40,000/- has been recovered.

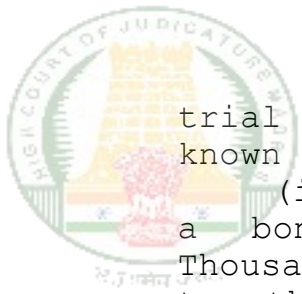
6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7.The learned counsel appearing 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 revision and further the criminal revision 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.

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

- (i) the petitioner is directed to deposit a sum of Rs.28,000/- (Rupees Twenty Eight Thousand Only) to the credit of C.C.No.146 of 2014, before the learned Judicial Magistrate, Manapparai, within a period of two weeks from the date of receipt of copy of this order, failing which the sentence suspended shall automatically be dismissed and the respondent is

entitled to execute the sentence imposed by the



trial Court against the petitioner in the manner known to law.

(ii) On such deposit, 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 Judicial Magistrate, Manapparai ;

(iii) 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

(iv) The petitioner shall appear before the trial Court on all working days at 10.30 am, 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/-

08/07/2022

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08/07/2022

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

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, MANAPPARAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE TRICHY DISTRICT.
- 3 THE SESSIONS JUDGE, TRICHY.
- 4 THE SUB INSPECTOR OF POLICE MANAPPARAI POLICE STATION, TRICHY.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL.M.P. (MD) No.6798 of 2022
in

CRL.R.C. (MD) No.752 of 2021

Date :08/07/2022