



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

Monday, the Twentieth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6829 of 2022

IN

CRL A(MD) No.385 of 2022

1 MUNIYARAJ

2 ANDIRAJ

... PETITIONERS/APPELLANT

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

UCHIPULI POLICE STATION,

RAMANATHAPURAM DISTRICT.

CR.NO.171/2009

... 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 sentence imposed on the petitioner/appellant in S.C.No.132/2020 dt 03.06.2022 on the file of the Additional District and Sessions Judge, Ramanathapuram and enlarge them on bail pending disposal of the instant criminal appeal.

PRAYER IN CRL A(MD) No.385 of 2022:

To admit this appeal on file, to call for the records from the lower court in S.C.No.132 of 2020 on the file of Additional District and Sessions Judge, Ramanathapuram District and set aside the judgment dated 03.06.2022 by acquitting the accused and by allowing the Appeal.

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.HASSANUL BAZARI J M, Advocate for the petitioners and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.C.No.132 of 2020, dated 03.06.2022, on the file of the learned Additional District and Sessions Judge, Ramanathapuram District, till the disposal of this Criminal Appeal.

2.The learned counsel appearing for the petitioners submitted that the trial Court convicted the petitioners/accused in S.C.No.132 of 2020, dated 03.06.2022, on the file of the learned Additional District and Sessions Judge, Ramanathapuram District, for the offence under Section 436 IPC, sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.5,000/- each in default to undergo three months Simple Imprisonment. The Trial Court



has suspended the sentence imposed on the petitioners till 03.07.2022. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel appearing for the petitioners 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 appearing for the respondent submitted that there are enough materials available on record against the petitioners 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 appearing for the petitioners 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

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

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Ramanathapuram.

(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

(iii) The petitioners shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
20/06/2022

/ TRUE COPY /

22/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE, UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+2 CC to M/s.J.M.HASSANUL BAZARI, Advocate (SR-5762[I] dated
20/06/2022)

ORDER

IN

CRL MP(MD) No.6829 of 2022

IN

CRL A(MD) No.385 of 2022

Date :20/06/2022

RS/VR/SAR.3 (22.06.2022) 3P-6C