



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Seventh day of July Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7725 of 2022

IN

CRL A(MD)No.456 of 2021

RAMAR

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP.BY
THE ASSISTANT COMMISSIONER OF POLICE,
D2 SELLUR POLICE STATION,
MADURAI.
(CRIME NO.1401/2011).

... 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 on the petitioner/appellant/Sole Accused by the Ramar, S/o.Shanmugam @ Ayyavoo passed by the Learned Court of Sessions, Mahalir Neethimandram, Madurai in SC No.74/2012 dated 27/08/2021 and enlarge him on bail pending disposal of the Criminal Appeal.

PRAYER IN CRL A(MD) .No.456/2021:

Pleased to call for the records and set aside the Judgment dated 27.08.2021 made in Sessions Case No.74 of 2012, on the file of the Hon'ble Court of the Sessions, Mahalir Neethimandram, Madurai.

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.JEGADEESH PANDIAN.M, 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.74 of 2012, dated 27.08.2021, on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai, till the disposal of this Criminal Appeal.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/accused in S.C.No.74 of 2012, dated 27.08.2021, on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai, for the offence under Section 498(A) IPC and sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month Simple Imprisonment and for the offence under Section 306 IPC and sentenced him to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.7,000/- in default to undergo six months Simple Imprisonment and further ordered that both the sentences of imprisonment were ordered to run concurrently. 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 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. The learned Additional Public Prosecutor appearing for the respondent 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 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 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 Judicial Magistrate No.II, Madurai.

(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

<https://www.mhc.tn.gov.in/> to ensure their identity; and



(iii) The petitioner shall appear before the trial Court at 10.30 a.m., on all working days until further orders.

sd/-

07/07/2022

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/ TRUE COPY /

08/07/2022

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

Note : 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 SESSIONS JUDGE
MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 5 THE ASSISTANT COMMISSIONER OF POLICE,
D2 SELLUR POLICE STATION,
MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.JEGADEESH PANDIAN.M Advocate SR.No.6771

ORDER

IN

CRL MP(MD) No.7725 of 2022
IN

CRL A(MD) No.456 of 2021

Date : 07/07/2022

SA/PN/SAR.2/08.07.2022/3P/8C