



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

Wednesday, the Twentieth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8250 of 2022
IN
CRL A(MD) No.441 of 2022

SEENIVASAN

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
CRIME No.10 OF 2007

... 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 by judgment and sentence dated. 29.06.2022 passed in Sessions Case in S.C.No. 234 of 2018 on the file of the Hon`ble Sessions Judge, Mahila Court, Tirunelvelil and enlarge the petitioner on bail till the disposal of Criminal Appeal.

PRAYER IN CRL A(MD)No.441 of 2022:

Pleased to call for the records of the Judgment dated 29.06.2022 passed in SC.No.234 of 2018 on the file of the Sessions Judge, Mahila Court, Tirunelveli in Crime No.10 of 2007 dated 24.08.2007 on the file of the Respondent Police 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 M/S.ROBERT CHANDRAKUMAR.I, Advocate for the petitioner and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

This petition has been filed to suspend the sentence passed in Sessions Case No.234 of 2018, dated 29.06.2022, on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, in Crime No.10 of 2007 on the file of the respondent police, till the disposal of this Criminal Appeal.



2.The learned counsel appearing for the petitioner stated that the trial Court convicted the petitioner/sole accused in Sessions Case No.234 of 2018, dated 29.06.2022, on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, for the offence under Section 417 of IPC and sentenced him to undergo six months Simple Imprisonment and awarded compensation of a sum of Rs.1,00,000/- to be paid within a period of three months, in default, to undergo three months Simple Imprisonment. The Trial Court has suspended the sentence imposed on the petitioner till 28.07.2022. 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 for the petitioner further 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 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 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 Judicial Magistrate, Ambasamuthram.

(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 petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further



orders and if he is not able to appear before the 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.

WEB COPY

sd/-
20/07/2022

/ TRUE COPY /

27/07/2022

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

TO

- 1 THE SESSIONS JUDGE
MAHILA COURT, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE
AMBASAMUTHRAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.ROBERT CHANDRAKUMAR.I Advocate SR.No.7359

ORDER**IN**

CRL MP(MD) No.8250 of 2022
IN
CRL A(MD) No.441 of 2022
Date :20/07/2022

SA/VR/SAR.4/27.07.2022/3P/7C