



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

Wednesday, the Seventh day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL.M.P. (MD) No.10695 of 2022
in
CRL.A (MD) No.547 of 2022

1 KATHIRVEL @ KATHIRVEL MURUGAN

2 SURESHKUMAR

... PETITIONERS/APPELLANTS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 563 OF 2020)

... RESPONDENT/ RESPONDENT

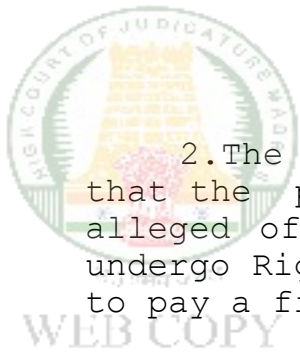
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence the execution of sentence by granting bail in Special C.C.No. 2 of 2022 Dated. 24.08.2022 on the file of the Principal Sessions Judge, Tirunelveli, Tirunelveli District pending disposal of the above Crl.A.

PRAYER IN CRL.A(MD)No.547 of 2022:

Pleased to admit this appeal on file, to call for the records from the lower court in Special C.C.No.2 of 2022 on the file of Principal Sessions Judge, Tirunelveli, Tirunelveli District and set aside the judgment dated 24.08.2022 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. PRABHU.K., Advocate for the petitioners and of M/S.S.S.MADHAVAN, Government Advocate on behalf of the Respondent, while admitting the Crl.A., the court made the following order:-

This petition is filed to suspend the sentence passed in Spl.C.C.No.2 of 2022 dated 24.08.2022, on the file of the learned Principal Sessions Judge, Tirunelveli.



2.The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court for the alleged offence punishable under Section 379 IPC and sentenced to undergo Rigorous Imprisonment, for a period of three years each and to pay a fine of Rs.1,000/- (Rupees One Thousand only) each.

3.Challenging the above said conviction and sentence, the petitioners have filed the present Criminal Appeal Case in Crl.A (MD).No.547 of 2022, before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.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. He would further submit that the sentence of the petitioners was suspended by the trial Court till 23.09.2022.

5.The learned counsel 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.

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 petitioners pointed out that the sentence of the petitioners was suspended till 23.09.2022. 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.

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

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tirunelveli.

(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 respondent police daily at 10.30 a.m & 5.30PM, until further orders.

sd/-
07/09/2022

/ TRUE COPY /

08/09/2022

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

pnm

TO

1.THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI, TIRUNELVELI DISTRICT.

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

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

+1. C.C. to M/S. PRABHU.K. Advocate SR.No.9722

ORDER
IN
CRL.M.P.(MD)No.10695 of 2022
in
CRL.A(MD)No.547 of 2022
Date :07/09/2022

RK/VR/SAR-II (08/09/2022) 3P/5C