



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

Monday, the Thirty First day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.11505 of 2022

IN

CRL A(MD) No.581 of 2022

KRISHNAMOORTHY

... APPELLANT/PETITIONER

Vs

PALANIAMMAL

HEAD CLERK,

1ST ADDITIONAL DISTRICT AND SESSIONS COURT (PCR),

THANJAVUR DISTRICT.

... 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 against the Petitioner in SC.No.148 of 2019 dt.13.06.2022 passed by the Additional District Judge/Special Court under EC Act Cases, Thanjavur and enlarge the Petitioner on bail pending disposal of the above appeal.

Prayer in CRL A(MD).581/2022 :

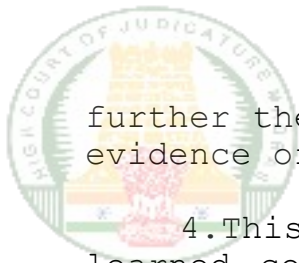
To call for the records in S.C.No.148 of 2019 dated 13.06.2022 passed by the Additional District Judge/Special Court under E.C. Act Cases, Thanjavur and to set aside the judgment.

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.KARUPPASAMY PANDIYAN G, Advocate for the petitioner, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Additional District Judge/Special Court under E.C. Act Cases, Thanjavur, dated 13.06.2022 in S.C.No.148 of 2019 and enlarge the petitioner on bail.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offences under Section 194 of Indian Penal Code and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for a period of 2 months, in S.C.No.148 of 2019 on the file of the Additional District Judge/ Special Court under E.C.Act Cases, Thanjavur.

3.It is submitted by the learned counsel for the petitioner
<https://www.mhc.tn.gov.in/judicial-courts> are several infirmities in the prosecution case and



further there are contradictions in material particulars before the evidence of the prosecution witnesses.

4.This Court has carefully considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

5.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.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge/Special Court under E.C. Act Cases, Thanjavur, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

31/10/2022

/ TRUE COPY /

03/11/2022

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

TO

1 THE ADDITIONAL DISTRICT JUDGE/
SPECIAL COURT UNDER E.C. ACT CASES,
THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-12138[I] dated 31/10/2022)

ORDER IN
CRL MP(MD) No.11505 of 2022
IN CRL A(MD) No.581 of 2022
Date :31/10/2022

tta

RS/SBN/SAR.(03.11.2022) 2P-4C

<https://www.mhc.tn.gov.in/judis>