



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

Tuesday, the Twenty Ninth day of November Two Thousand and  
Twenty Two

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.S.RAMESH**  
**and**  
**The Hon`ble Mr.Justice N.ANAND VENKATESH**

CRL MP(MD) No.11151 of 2022  
IN  
CRL A(MD)No.121 of 2022

MUTHU RAJ

... PETITIONER/PETITIONER

**Vs**

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
SAPTUR POLICE STATION,  
MADURAI DISTRICT.  
IN CRIME NO.78/2013

... 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/Accused in SC No.113/2016,dt.30/12/2021 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai and enlarge him on bail pending disposal of the appeal.

**PRAYER IN CRL.A(MD) .121/2022:**

Pleased to call for the records and set aside the order of conviction and sentences passed in S.C.No.113 of 2016 dated 30.12.2021 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai and allow this 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.MANAVALAN K, Advocate for the petitioner and of

<https://www.mca.gov.in>



Mr.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by **N.ANAND VENKATESH, J.**]

This petition has been filed by the petitioner/A1 seeking for suspension of sentence. The petitioner/A1 was convicted for offence under Sections 376, 302 and 201 r/w 302 IPC. The petitioner was sentenced to undergo Life Imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo three years simple imprisonment for the offence under Section 376 IPC; the petitioner was sentenced to undergo Life Imprisonment and to pay a fine of Rs.2,00,000/-, in default, to undergo simple imprisonment for three years for offence under Section 302 IPC and the petitioner was sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment for offence under Section 201 r/w 302 IPC.

2. Heard Mr.K.Manavalan, learned counsel for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor for the State.

3. On an earlier occasion, A2 had filed a suspension of sentence application before this Court and this Court considered the case on merits and granted suspension of sentence through an order dated 01.09.2022. The same ground that was raised by A2 will equally apply to A1 also and hence A1 is also entitled for suspension of sentence pending the criminal appeal.

4. The learned Additional Public Prosecutor brought to the notice of this Court that there are no previous cases against the petitioner.

5. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.113 of 2016 dated 30.12.2021 subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, 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 cards or Bank Passbooks to ensure their identity; and

(iii) The petitioner shall appear before the respondent

Police everyday at 10.30 a.m., for a period of four(4)



weeks. After completion of the said period, the person shall report before the Sessions Judge, Mahalir Neethimandram, Madurai, on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 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.

sd/-

29/11/2022

/ TRUE COPY /

02/12/2022

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

**TO**

- 1 THE SESSIONS JUDGE,  
MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE  
SAPTUR POLICE STATION,  
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. C.C. to M/S.MANAVALAN K Advocate SR.No.13937

**ORDER**

**IN**

CRL MP(MD) No.11151 of 2022  
IN

CRL A(MD) No.121 of 2022

Date :29/11/2022

PJL

SA/SSS/SAR.1/02.12.2022/3P/6C