



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

Monday, the Twenty Eighth day of November Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.14681 of 2022

IN

CRL A(MD) No.813 of 2022

SENTHILKUMAR

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
MANUR POLICE STATION, MANUR,
TIRUNELVELI DISTRICT.
(CRIME NO.565/2017)

... 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 the Mahila Court, Tirunelveli in SC No.292/2021 by the Judgement dt 08/11/2022 and enlarge the petitioner on bail pending disposal of the above appeal.

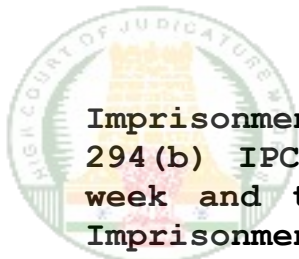
Prayer in CRL A(MD).813/2022 :

To allow this appeal and to call for records and set aside the judgment dated 08.11.2022 passed in S.C.No.292 of 2021 on the file of the Mahila Court, Tirunelveli.

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.PRAGALATHAN N, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the CRL A., the court made the following order:-

This petition is filed to suspend the sentence imposed against the petitioner in the Judgment, dated 08.11.2022, in SC.No.292 of 2021, passed by the Sessions Judge, Mahila Court, Tirunelveli.

"... 2.The learned Counsel appearing for the petitioner submitted that the petitioner has been convicted and sentenced by the trial Court, to undergo Rigorous Imprisonment, for a period of one week and to pay a fine of Rs.500/- in default to undergo Simple



Imprisonment for a period of one week, for the offence under Section 294(b) IPC, to undergo Rigorous Imprisonment, for a period of one week and to pay a fine of Rs.500/- in default to undergo Simple Imprisonment for a period of one week, for the offence under Section 323 of IPC, to undergo Rigorous Imprisonment, for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for a period of three months, for the offence under Section 332 IPC and to undergo Rigorous Imprisonment, for a period of one year and to pay a fine of Rs.30,000/-, in default to undergo Simple Imprisonment for a period of Six months, for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.".

3.Challenging the above said conviction and sentence, the petitioner has preferred this present Appeal before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.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. He would further submit that the sentence period of the petitioner was suspended by the trial Court.

5.The learned counsel 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.

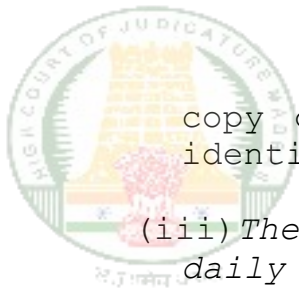
6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7.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.

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

(i)The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Mahila Court, 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 identity; and

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders.

WEB COPY

sd/-
28/11/2022

(*) For Being Mentined as per order of
this Hon'ble Court dated 06/12/2022 in
Crl.MP(MD).14681/2022 in Crl.A(MD).
813/2022 by GIJ.

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

TO BE SUBSTITUED WITH THE ORDER DATED 28/11/2022 ALREADY DESPATCHED

1 THE SESSIONS JUDGE, MAHILA COURT, TIRUNELVELI.

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

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-13911[I] dated 29/11/2022)

ORDER
IN
CRL MP(MD) No.14681 of 2022
IN
CRL A(MD) No.813 of 2022
Date :28/11/2022

PNM
RS/VR/SAR.(30.11.2022) 3P-5C

PKP/VR/SAR-2/23.12.2022/3P/5C