



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

Thursday, the Twenty Second day of December Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16247 of 2022
IN
CRL RC(MD) No.1278 of 2022

VILBERT JOHN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 150 OF 2014)

... 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 of imprisonment imposed by the learned Additional District and Sessions Judge, Virudhuangar in Crl.A.No. 45 of 2019 by the Judgement Dated. 16.11.2022 by confirming the conviction and modifying the sentence imposed by the Learned Judicial Magistrate Court No.I, Virudhunagar in C.C.No.189 of 2014 by the Judgment dated 02.11.2019, and enlarged the petitioner on bail pending disposal of this Criminal Revision.

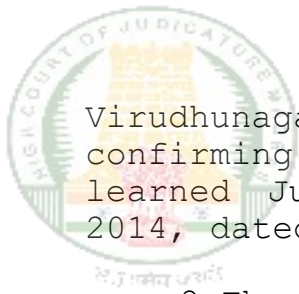
Prayer in CRL RC(MD) . 1278/ 2022 :

To call for the records and Set Aside the conviction imposed by the learned Additional District and Sessions Judge, Virudhuangar in Crl.A.No. 45 of 2019 by the Judgement Dated. 16.11.2022, by confirming the conviction and modifying the sentence imposed by the Learned Judicial Magistrate Court No.I, Virudhunagar in C.C.No.189 of 2014 by the Judgment dated 02.11.2019 .

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 PON KARTHIKEYAN.R, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent, While admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Additional District and Sessions Judge,

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



Virudhunagar, in Crl.A.No.45 of 2019, dated 16.11.2019, in confirming the conviction and modifying sentence imposed by the learned Judicial Magistrate No.I, Virudhunagar in C.C.No.189 of 2014, dated 02.11.2019, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Sections 279, 304(A) (2 counts) of IPC and sentenced to undergo one year of S/I each counts by judgment dated 02.11.2019. The learned Additional District and Sessions Judge, Virudhunagar, partly allowed the judgment that has passed by the trial Court on 16.11.2022.

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.

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.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate Court No.I, Virudhunagar, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

22/12/2022

/ TRUE COPY /

22/12/2022

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



INDU
TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE COURT NO.I,
VIRUDHUNAGAR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to M/S PON KARTHIKEYAN.R Advocate SR.No.15292

ORDER

IN

CRL MP (MD) No.16247 of 2022
IN

CRL RC (MD) No.1278 of 2022

Date :22/12/2022

SA/SSS/SAR.1/22.12.2022/3P/7C