



Crl.M.P.(MD) No.3652 of 2024

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

Monday, the Twenty Fifth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

Crl.M.P.(MD) No.3652 of 2024

in

Crl.A.(MD)No.257 of 2024

RAMAR

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION
SIVAKASI
VIRUDHUNAGAR DISTRICT.
CRIME NO.180/2015.

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous 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 and enlarge the petitioner on bail imposed on the appellant by the judgment dt.09.01.2024 made in SC No.147/2019 on the file of Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur.

Prayer in Crl.A.(MD)No.257 of 2024:

To call for the records relating to the judgment dated 09.01.2024 made in S.C.No.147 of 2019 on the file of Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and set aside the conviction and sentence imposed against the appellant/accused and allow above appeal by acquitting the accused.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.E.MAREESKUMAR, Advocate for the Appellant and of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur, in S.C.No.147 of 2019 dated 09.01.2024 and to enlarge him on bail, pending disposal of the Criminal Revision Petition.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.180 of 2015 on the file of the respondent/Inspector of Police, Malaiyoor Police Station, Pudukkottai District, for the offences punishable under Sections 498(A), 304(b) of IPC r/w. 4 of Women Harassment Act and the same was taken on file in S.C.No.147 of 2019 before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur. The petitioner was convicted and sentenced to undergo ten years rigorous imprisonment and a fine of Rs.3,000/- (Rupees Three Thousand only) with six months rigorous imprisonment in case of default under Section 306 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Criminal Miscellaneous Petition seeking suspension of sentence.



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3. Learned counsel for the petitioner further submitted that the prosecution has failed to prove the allegation levelled against the petitioner and to corroborate the evidence of prosecution witnesses. He further submitted that on the basis of dying declaration, the respondent police failed to investigate the matter in proper perspective manner and therefore, prayed for suspension of sentence.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the case is rest on the dying declaration made by the deceased and the prosecution has produced the statement of the deceased and complaint which is marked as Ex.P.1 and Ex.P.8. So the dying declaration recorded by the Judicial Magistrate as incriminating evidence against the accused and the defence is unable to shake the veracity of these materials and hence, the offence is made out as against the petitioner. He further submitted that the petitioner is in custody pursuant to the confirmation of conviction by the Court and hence, opposed for allowing this petition.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. This Court finds force in the submission of the learned counsel for the petitioner and hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Moreover, the petitioner has been incarcerated from 09.01.2024 and further the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur,, in S.C.No.147 of 2019 dated 09.01.2024 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur.

ii) The petitioner shall appear and sign before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur, on the first working day of every English calender month at 10.30 a.m., until further orders.



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iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputtur.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
25/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rm

TO

1.THE SESSIONS JUDGE, FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

2.THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION
SIVAKASI, VIRUDHUNAGAR DISTRICT.

3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



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

COPY TO
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-3624[I] dated 25/03/2024)

ORDER IN
Crl.M.P.(MD) No.3652 of 2024
in Crl.A.(MD)No.257 of 2024
Date :25/03/2024

RK (25/03/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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