



CRL MP(MD) No.13549 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) No.13549 of 2024

in

Crl.A(MD) No.1093 of 2024

Karuvayan @ Marichasamy

... Petitioner / Appellant

Vs

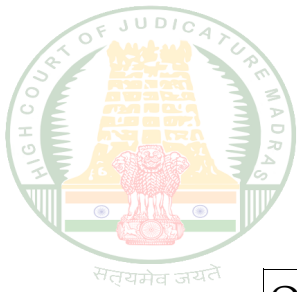
**The Inspector of Police,
Elayirampannai Police Station,
Virudhunagar District.
(Crime No.52 of 2016)**

... Respondent / Respondent

**For Petitioner : Mr.Karuppasamy Pandian
For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate**

ORDER

The petitioner is the sole accused in S.C.No.161 of 2019, on the file of the learned Sessions Court Fast Track Mahila Court, Virudhunagar District. He was found guilty by the trial Court and was convicted and sentenced as under:-



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Offence under Section	Sentence
506(1)	Convicted and sentenced to undergo rigorous imprisonment for 1 year
307	Convicted and sentenced to undergo rigorous imprisonment for 7 years and to pay Rs.5,000/- as fine in default of payment of fine amount to undergo rigorous imprisonment for one year

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1093 of 2024 and the same has been admitted by this Court. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

3. The learned counsel for the petitioner submits that the victim is none other than his paternal aunt. The victim was in illegal relationship with PW12, i.e., sister's husband. The victim refused to go along with her husband even on the request made by her husband and only on sudden provocation, the petitioner has assaulted the victim. He further submitted that the petitioner is in jail for the past six months. Therefore, the learned counsel prayed that the sentence be suspended pending the appeal.



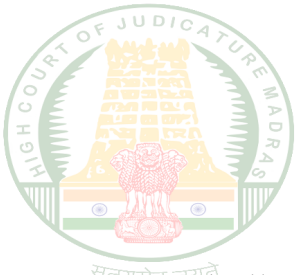
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4. The learned Government Advocate (Crl.Side) submits that the trial Court has considered the prosecution witnesses and the exhibits and rightly convicted the petitioner.

5. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition and accordingly the sentence imposed by the trial Court as against the petitioner is suspended pending this appeal.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Court Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and on further condition that the petitioner shall stay at Coimbatore and report before the C2-Race Course Police Station, Coimbatore, daily at 10.30 a.m., until further orders. The trial



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Court shall accept the surety only on payment of fine amount imposed as against this
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petitioner.

sd/-

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17/03/2025

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

RGM

TO

- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
C2-RACE COURSE POLICE STATION, COIMBATORE.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-2623[I] dated
11/03/2025)



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ORDER
IN
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in
Crl.A(MD) No.1093 of 2024
Date :11/03/2025

SS/SAR- /17/03/2025/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023