



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

Friday, the Twenty Eighth day of February Two Thousand Twenty  
PRESENT

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

WEB COPY

CRL MP(MD) No.1376 of 2020

IN

CRL A(MD) No.77 of 2020

K.SUBRAMANIAN

... PETITIONER/ APPELLANT/  
ACCUSED (1)

Vs

STATE REP.BY  
THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUPPARANKUNDRAM DIVISION,  
MADURAI.

... RESPONDENT/ RESPONDENT/  
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner in S.C.No.369 of 2010 on the file of the Sessions Judge, Magalir Neethimandaram, Madurai by the judgment dated 12/12/2019 and enlarge the petitioner on bail pending disposal of this Crl.A. in the interest

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.MUTHU SARAVANAN, Advocate for the petitioner and of Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 306 of IPC and sentenced to undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.50,000/- (Rupees Fifty thousand only) in default to undergo rigorous imprisonment for a period of three months in S.C.No.369 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there



is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

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

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. 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.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 Sessions Judge, Magalir Neethimandram, Madurai, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-  
28/02/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE, MAGALIR NEETHIMANDRAM, MADURAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUPPARANKUNDRAM DIVISION, MADURAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.C.MUTHU SARAVANAN Advocate SR.No.4492

ORDER IN  
CRL MP(MD) No.1376 of 2020  
IN  
CRL A(MD) No.77 of 2020  
Date :28/02/2020