

Crl.MP.No.2925/2016 in Crl.A.No.87/2016

M.JAICHANDREN, J.

AND

S.NAGAMUTHU, J.,

[Order of the Court made by S.NAGAMUTHU, J.,]

The petitioner/appellant is the first accused in SC.NO.10/2013 on the file of the learned Principal District and Sessions Judge, Ariyalur. By judgment dated 22.12.2015, the Trial Court has convicted him for the offence u/s.302 IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.5000/-, in default, to undergo three months simple imprisonment. Challenging the said conviction and sentence, the appellant has preferred the above appeal. Pending appeal, he seeks for suspension of sentence.

2 Heard the learned counsel for the petitioner/appellant and the learned Government Advocate [Crl.Side] appearing for the State and also perused the records carefully.

3 It is brought to our notice that this Court, has earlier granted suspension of sentence in favour of A2 [Sugumar] in Crl.MP.No.1692/2016 in Crl.A.No.16/2016 vide order dated 29.02.2016, who also stands in the same footing like that of the petitioner herein. In the said order, this Court has stated that P.W.13 has stated that when she was at her house along with P.Ws.1 and 2, someone came and informed that the

deceased was lying dead and thereafter, she along with P.Ws.1 and 2, went to the

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place of occurrence. But, P.Ws.1 and 2, have stated that they were present at the time of occurrence. Raising some doubt over this contradictory statement, this Court had given the benefit of suspension of sentence in favour of A2. The same relief is to be given in favour of the petitioner also. In such view of the matter, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

4 Accordingly, the substantive sentence of imprisonment alone is suspended 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 Judicial Magistrate, Jayamkondam and on further condition that the petitioner shall report before the Committal Court on the first working day at 10.30 a.m. of every English Calendar month until further orders.

[M.J., J.] [S.N., J.]
29.03.2016

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