

CRL.MP.No.3178/2016 IN CRL.A.No.294/2014

M.JAICHANDREN, J.
AND
S.NAGAMUTHU, J.,

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

The appellant is the sole accused in SC.No.50/2013 on the file of the learned I Additional District and Sessions Judge, Salem. He was convicted for the offence u/s.302 IPC [2 counts] and was sentenced to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default, to undergo one year rigorous imprisonment for each count. Challenging the said conviction and sentence, he has come up with the above appeal. Pending appeal, he seeks suspension of sentence.

2 We have heard the learned counsel for the appellant/accused and the learned Government Advocate [Crl.Side] appearing for the State.

3 This is a case of double murder. The entire case is based on the circumstantial evidence. The two circumstances projected by

the prosecution are the motive and the extra-judicial confession said to have been given by the accused to the Village Administrative Officer on 26.03.2012. Learned counsel for the appellant/accused would take us through the evidence of P.Ws.1 to 4, who have stated that on the day of occurrence, at the place where the dead bodies were found, the accused was found and he was caught hold by the villagers, beaten up and then, he was handed over to the police. Though P.Ws.2 and 3 have turned hostile, P.W.1 has not turned hostile. Thus, from the evidence of P.W.2 at least, it is seen that the accused was in the custody of the police right from the day of occurrence and when that be so, the extra-judicial confession, upon which, the reliance is made, becomes doubtful. In such view of the matter, we are inclined to suspend the sentence.

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, No.2, Attur 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.]
13.04.2016

AP

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