

Crl.M.P.No.7664 of 2016 in Crl.A.No.546 of 2016**S.NAGAMUTHU, J.****AND****V.BHARATHIDASAN, J.**

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

The petitioners are the accused 1 to 3 in S.C.No.212 of 2014 on the file of the learned Principal Sessions Judge, Dharmapuri. By judgment dated 04.04.2016, the trial court convicted the accused 1 and 2 under Section 302 of IPC and the 3rd accused under Section 302 read with 109 and 324 of IPC. The maximum punishment imposed on them is imprisonment for life. Challenging the said conviction and sentence, the appellants/accused 1 to 3 have preferred the above appeal. Pending appeal, they seek for suspension of sentence.

2. Heard the learned counsel for the petitioners/appellants and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. A perusal of the judgment of the trial court would reveal that the deceased party had gone on the way to the house of the accused. At that time, the 1st accused was sitting in his house, taking food. The prosecution party enquired as to whether the mother of P.W.1 had come there. The 1st accused answered in the negative. Immediately, the deceased asked the 1st accused to return the laptop which he has stolen away from his house. The 2nd accused shouted as to how dare he was to call the 1st accused as a thief which resulted in a quarrel. In the said quarrel, it is

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alleged that the deceased was attacked with wooden log by the accused 1 and 2. It is the case of the accused that the 1st accused also sustained injury in the same occurrence.

4. Having regard to these facts and circumstances, more particularly, the fact that the deceased party had gone on the way to the house of the accused, the occurrence had taken place just in the house of the accused and also to the fact that the 1st accused had sustained injury in the said occurrence, we are inclined to suspend the substantive sentence of imprisonment of the petitioners/accused 1 to 3.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the petitioners 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, Pappiedipatti, Dharmapuri, and on further condition that the petitioners shall report before the Committal Court on the first working day at 10.30 a.m. of every English Calendar month, until further orders.

[S.N.J.,] [V.B.D.J.,]

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10.08.2016

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10.02.2016