



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

Tuesday, the Fifteenth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and
The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP(MD) No.10549 of 2016

IN

CRL A(MD) No.393 of 2016

1 RAMAR

2 JAYALAKSHMI

... APPELLANTS/ ACCUSED 2&3

Vs

STATE, REP. BY

THE INSPECTOR OF POLICE

SAYALKUDI POLICE STATION, RAMNAD DISTRICT

CR.NO. 53 OF 2011

... 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 of Imprisonment imposed by the Learned Additional District Judge, (Fast Track Court), Paramakudi in SC No. 102 of 2012 by the Judgment dated 05.10.2016 and enlarge the petitioners/Appellants on bail pending disposal of the above Crl. Appeal.

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

(Order of the Court was made by **S.NAGAMUTHU, J**)

The petitioners/appellants are the accused 2 and 3 in S.C.No.102 of 2012 on the file of learned Additional District Judge, Fast Track Court, Paramakudi. They have been convicted for the offence under Section 302 read with 34 IPC and Section 342 IPC. The maximum punishment imposed upon them is imprisonment for life. Challenging the said conviction and sentence imposed, the petitioners have come up with this appeal. Pending appeal, they seek suspension of the substantive sentence of imprisonment imposed on them.

2. We have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.



3. The first accused in this case is the son of these petitioners/accused, who are aged 53 and 50 respectively. It is the allegation that due to some previous enmity, these two accused hold the deceased and the 1st accused stabbed the deceased with velkambu. There are four eye witnesses to the occurrence. The learned counsel for the petitioners would submit that it is impossible that when two persons held so tightly, the first accused would have stabbed the deceased that too twice. The story projected by the prosecution appears to be improbable. It appears that an attempt has been made to rope in the entire family members. Thus, there are arguable points in favour of the petitioners. Therefore, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioners pending appeal.

4. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended and the petitioners are directed to be enlarged on bail, on the following conditions:

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, Mudukulathur, and on further condition that the petitioners shall report before the committal Court at 10.30 a.m., on the first working day of every English Calendar Month, until further orders.

sd/-

15/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE ADDITIONAL DISTRICT JUDGE, FAST TRACK COURT, PARAMAKUDI
- 4 THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, MADURAI
- 5 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION, RAMNAD DISTRICT
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.DEENADHAYALAN Advocate SR.No.68984

ORDER IN

CRL MP (MD) No.10549 of 2016 IN

CRL A (MD) No.393 of 2016

Date :15/11/2016

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