



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

Friday, the Twenty Fifth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU

and

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP(MD) No.11735 of 2016

IN

CRL A(MD) No.387 of 2016

SHANMUGARAJ,

..PETITIONER/APPELLANT

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

SURANDAI POLICE STATION,

TIRUNELVELI.

(CRIME NO.162/2012)

..RESPONDENT/RESPONDENT

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 III Additional District and Sessions Judge, Tirunelveli in S.C.No.124 of 2013 by the Judgment dated 28.09.2016 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.P.JESSI JEEVA PRIYA, 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 petitioner is the sole accused in S.C.No.124 of 2013 on the file of the learned Third Additional District and Sessions Judge, Tirunelveli. He stood charged for the offence punishable under Section 302 of the Indian Penal Code. By judgment dated 28.09.2016, the Trial Court has convicted him under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for three months. Challenging the said conviction and sentence imposed, the petitioner has come up with the present Criminal Appeal. Pending appeal, he seeks suspension of sentence.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State. We have also perused the records carefully.



3. The petitioner is a Head Constable and the deceased in this case was a Special Sub-Inspector of Police. The petitioner had a grudge that his transfer was on account of some instigation made by the deceased. Because of the said motive, it is stated that in the presence of P.Ws.1 and 2, who are also police personnel, the accused came to the place of stay of the deceased in his motorcycle and stabbed him with knife. The deceased died. There are eye witnesses to the occurrence also. Thus, we do not find any infirmity in the judgment of the Trial Court warranting suspension of sentence. The petition is, therefore, dismissed.

4. However, considering the request made by the petitioner and also the fact that the petitioner has been in jail continuously, the Registry is directed to prepare the typed-set of papers forthwith and list the appeal itself for final hearing during the second week of December, 2016.

sd/-
25/11/2016

/ TRUE COPY /

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

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.
- 2 -do-thro' THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SURANDAI POLICE STATION, TIRUNELVELI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

Copy to : The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL MP(MD) No.11735 of 2016
IN
CRL A(MD) No.387 of 2016
Date : 25/11/2016

PBK/GSV-PM/SAR-I 01/12/2016 :: 2P-7C: