



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

Friday, the Ninth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.SELVAM

and

The Hon`ble Mr.Justice P.KALAIYARASAN

CRL MP(MD) No.12184 of 2016

IN

CRL A(MD) No.466 of 2016

1 P.ARIVAZHAGAN

2 A.MURUGAN

..PETITIONERS/APPELLANTS/
ACCUSED NOS.2 & 3

Vs.

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
CHERANMAHADEVI SUB DIVISION,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

(CRIME NO.52/2009)

..RESPONDENT/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 and grant bail to the petitioners/Appellants convicted in S.C.No.76 of 2013 on the file of the learned 2nd Additional District & Sessions Judge (PCR), Tirunelveli, dated 09.11.2016, pending disposal of the main appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JEGADEESHA PANDIAN, 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 **A.SELVAM, J.**)

This petition has been filed praying to suspend the sentence imposed against the petitioners in Sessions Case No.76 of 2013 by the II Additional District and Sessions Court (PCR), Tirunelveli.

2.It is averred in the petition that the petitioners have been arrayed as second and third accused in Sessions Case No.76 of 2013. The trial Court after considering the available evidence on record has found the petitioners guilty under Section 324 r/w 34 (2 counts) of the Indian Penal Code and sentenced them to undergo 18 months rigorous imprisonment for each count and also imposed a fine of Rs.1,000/- upon each of them. The first petitioner/second accused



has also been found guilty under Section 452 of the Indian Penal Code and sentenced to undergo six months rigorous imprisonment and also imposed a fine of Rs.500/- with usual default clause. Further it is averred in the petition that the trial Court has suspended the sentence imposed against the petitioners. Since the convictions and sentences passed by the trial Court are being challenged in Crl A (MD)No.466 of 2016, the present petition has been filed for getting the relief sought therein.

3.Considering the fact that substantive sentence imposed against the petitioners has already been suspended by the trial court and also considering that against the convictions and sentences passed by the trial Court, Crl A(MD)No.466 of 2016 has been filed on the file of this Court, this petition can be allowed.

4.In fine, this petition is allowed. The substantive sentence imposed against the petitioners/A2 and A3 in Sessions Case No.76 of 2013 by the trial Court is alone suspended till the disposal of Crl A(MD)No.466 of 2016.

sd/-

09/12/2016

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
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 DEPUTY SUPERINTENDENT OF POLICE,
CHERANMAHADEVI SUB DIVISION, MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

+1. C.C. to M/S.M. JEGADEESHA PANDIAN Advocate SR.No.80377

ORDER IN
CRL MP(MD) No.12184 of 2016
IN
CRL A(MD) No.466 of 2016
Date :09/12/2016

PBK/CK/SAR-I 15/12/2016 ::2P-6C: