



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

Wednesday, the Eighteenth day of May Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.1712 of 2016
IN
CRL A(MD) No.60 of 2016

UTHAYAKUMAR

... APPELLANT/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI.
(CRIME NO.3703/2010)

... RESPONDENT/COMPLAINANT

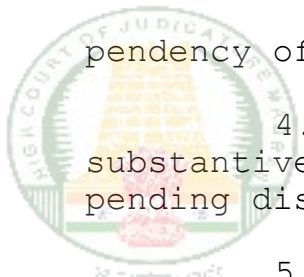
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the conviction and sentence and grant bail to the Appellant pending disposal of the Criminal Appeal before this Honourable Court against the Judgment in S.C.No. 3 of 2013 on the file of the VI Additional District Sessions Court, Madurai dated 15.12.2015 pending disposal of the Appeal

Order: This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.VENKATESAN, Advocate for the petitioner and of M/S.K.V.RAJARAJAN Government Advocate on behalf of the Respondent the court made the following order:-

The petitioner is the second accused in S.C.No.3 of 2013 on the file of VI Additional District Sessions Court, Madurai. By judgment, dated 15.10.2015, the trial Court has convicted him under Section 307 IPC and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 6 months simple imprisonment. Challenging the same, the petitioner has come up with Crl.A.(MD).No.60 of 2016. Pending appeal, he has come up with this petition praying for suspension of substantive sentence of imprisonment.

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

3. On a careful perusal of the entire records available in this Court, it is found that there is a *prima facie* case to grant suspension of sentence. Further, it is not possible for taking up the appeal for final hearing in the near future going by the



pendency of the cases in the Court.

4. In view of the above, I am inclined to suspend the substantive sentence of imprisonment imposed on the petitioner pending disposal of the appeal.

5. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended on condition that the petitioner executes a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai and on further condition that the petitioner shall report before the concerned Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m. until further orders.

sd/-

18/05/2016

/ TRUE COPY /

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

TO

1. THE VI ADDITIONAL DISTRICT
SESSIONS JUDGE, MADURAI.

2. THE JUDICIAL MAGISTRATE NO.V, MADURAI.

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

4. THE SUPERINTENDENT OF PRISON, CENTRAL PRISON, MADURAI.

5. THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MAUDRAI BENCH OF MADRAS HIGH COURT, MAUDRAI.

+1. C.C. to M/S.R.VENKATESAN Advocate SR.No.26361

ORDER

IN

CRL MP(MD) No.1712 of 2016

IN

CRL A(MD) No.60 of 2016

Date :18/05/2016

SDR/AAL-MPA/SAR II/20.05.2016/2P/8C