



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

Monday, the Twenty Third day of May Two Thousand Sixteen

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PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CRL MP(MD) No.2404 of 2016

IN

CRL A(MD) No.92 of 2016

A. BACKIAM

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REPRESENTED BY

THE INSPECTOR OF POLICE ,

PAMBAN POLICE STATION,

CRIME NO. 93/2012.

RAMANATHAPURAM DISTRICT.

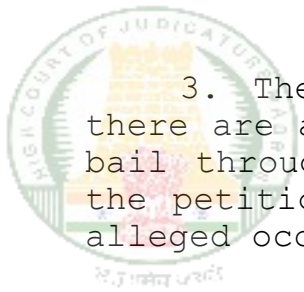
... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the Petitioner / appellant/accused in S.C. No. 116/14 dated 23.02.2016 on the file of the Assistant Sessions Judge, Ramanathapuram and enlarge him on bail till the disposal of the appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.VENKATESWARAN, Advocate for the petitioner and of MRS.S.PRABHA Government Advocate (Crl.Side) for the Respondent the court made the following order:-

The petitioner is the accused in S.C.No.116 of 2014 on the file of the Assistant Sessions Judge, Ramanathapuram. By judgment dated 23.02.2016, the trial Court has convicted the appellant under Section 307 IPC and sentenced him to undergo rigorous imprisonment for eight years and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for 6 months. Challenging the same, the petitioner is before this Court with this appeal. Pending appeal, he has come before this Court for suspension of substantive sentence of imprisonment.

2. I have heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent and I have also perused the records carefully.



3. The learned counsel for the petitioner would submit that there are arguable points in favour of the petitioner and he was on bail throughout the period of trial. It is his specific case that the petitioner/accused as well as his wife also got injured in the alleged occurrence.

4. I have gone through the records.

5. As rightly submitted by the learned counsel for the petitioner, there are arguable points and the petitioner was on bail throughout the period of trial. There is no question of absconding. Having regard to all the above and also considering the fact that the petitioner is the father of three female children, I am inclined to suspend the substantive sentence of imprisonment pending disposal of the appeal.

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

The petitioner executes 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 District Munsif cum Judicial Magistrate, Rameshwaram, and on further condition that the petitioner shall report before the Pamban Police Station daily twice, ie., at 10.30 a.m. and 5.30 p.m. until further orders and on further condition that the petitioner shall appear before the concerned Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

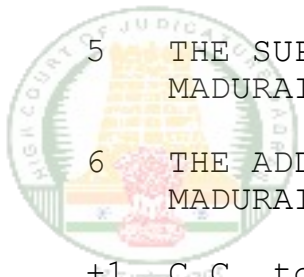
sd/-
23/05/2016

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

rr
TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, RAMESHWARAM.
- 2 DO THROGUH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ASSISTANT SESSIONS JUDGE, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE, PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.



5 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

+1. C.C. to M/S R.VENKATESWARAN Advocate SR.No.26824

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ORDER
IN
CRL MP (MD) No.2404 of 2016
IN
CRL A (MD) No.92 of 2016
Date :23/05/2016

GJM/PM/DP/SAR-I-24.5.16-3P-8C