



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

Friday, the Eighth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice P.R.SHIVAKUMAR
and
The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.34 of 2016
IN
CRL A(MD) No.252 of 2015

MURUGAN @ VETRIVEL MURUGAN ..PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 70 OF 2012)

..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 it is therefore prayed that this Honourable Court may be pleased to call for the records relating to the judgement dated 25.7.2015 made in S.C. No.322 of 2012 on the file of 3rd Additional District Sessions Judge, Tirunelveli and enlarge the petitioner on bail pending disposal of the above CRL A(MD)No.252 of 2015.

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

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

The petitioner/sole accused, who was prosecuted for an offence under Section 302 of the Indian Penal Code and convicted for the said offence with life imprisonment and a fine of Rs.1,000/- and with a default sentence of one year rigorous imprisonment, is before this Court for the suspension of the sentence imposed by the learned Third Additional District Sessions Judge, Tirunelveli, by its judgment dated 25.06.2015, in S.C.No.322 of 2012.

2.It is clearly stated in the affidavit enclosed in the petition that the deceased is the father-in-law of the petitioner herein and due to certain dispute, the petitioner and his wife Mahalakshmi started living separately and on 08.04.2012, there arose a dispute between the deceased and the petitioner and it is alleged that the petitioner has assaulted the deceased on his left cheek and chest by hands and pulled him down. Further, it is stated in the grounds of



appeal that the deceased is a chronic drunkard and also he has taken treatment for his illness. Further, there is delay in reaching the First Information Report to the Court concerned, as the F.I.R., has been reached by the Court only on 10.04.2012, though a case has been registered on 08.04.2012 at 11.30 a.m., itself. Further, the learned counsel for the petitioner has reported that the petitioner has enjoyed the benefit of bail throughout the trial and he has also complied with the condition imposed by the Trial Court at the time of granting bail.

3. On a perusal of the materials available on record, it is seen that there is a *prima facie* case to consider the petition to suspend the sentence imposed by the Trial Court. 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 this Bench.

4. Considering the above mentioned facts and circumstances of the case, this Court is inclined to grant suspension of sentence, with conditions.

5. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/sole accused alone is suspended on condition that 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 Judicial Magistrate, Sengottai and on further condition that the petitioner/sole accused shall report before the committal Court on the first working day of every English Calender month at 10.30 a.m until further orders.

sd/-

08/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, SENGOTTAI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE III ADDITIONAL DISTRICT SESSIONS JUDGE, TIRUNELVELI.
- 4 -DO-THRO' THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.
- 5 THE INSPECTOR OF POLICESURANDAI POLICE STATION, TIRUNELVELI DIST.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. C.C. to M/S.R.GANDHI Advocate SR.No.1389

akm/12.01.2016/ 2p- 8c/GSV/AN/SAR-II

ORDER

IN

CRL MP(MD) No.34 of 2016

IN

CRL A(MD) No.252 of 2015

Date :08/01/2016