



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

Tuesday, the Twenty Seventh day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

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

CRL MP (MD) No.4086 of 2016

IN

CRL A (MD) No.177 of 2016

M. VENKAT @ VENKATESH

... PETITIONER/APPELLANT

Vs

THE STATE OF TAMILNADU,
THE INSPECTOR OF POLICE
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO. 427 OF 2012)

... RESPONDENT/RESPONDENT

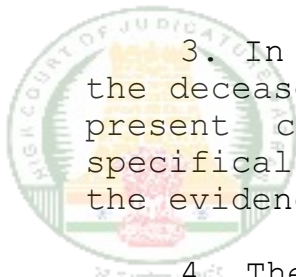
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the First Additional Sessions Judge (PCR) Thanjavur in S.C.No. 47 of 2013 dated 16.04.2015 and enlarge the petitioner on bail pending disposal of the above Crl.A.

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

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the first accused in S.C.No.47 of 2013 on the file of the learned First Additional District and Sessions Judge (PCR), Thanjavur. He has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay a fine of Rs.2,000/-, in default, to undergo rigorous imprisonment for six months. Challenging the said conviction and sentence, 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. In this case, a perusal of the records would go to show that the deceased made a statement to the police earlier, upon which, the present case has been registered. In the complaint, he has specifically stated the overt act of this accused. Apart from that, the evidence of P.W.1 is also available for the prosecution.

4. The learned counsel for the petitioner would submit that in Ex.P.1, there is no allegation made by the deceased. We find that there is no force in the said argument of the learned counsel for the petitioner. The learned counsel next pointed out that to the Doctor, the deceased has told that he was attacked only by a single known person and he has not mentioned the name of the accused. It is common knowledge that Doctors are not expected to enter the names of the assailants, instead, it is enough for them to mention as "known or unknown person" and what type of injury caused to the person. Thus, we do not find any reason at all to suspend the sentence. This petition is, therefore, dismissed.

sd/-
27/09/2016

/ TRUE COPY /

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

SML
TO

- 1 THE ADDITIONAL SESSIONS JUDGE, (PCR), THANJAVUR
- 2 THE INSPECTOR OF POLICE
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

GJM/PV/SAR-II-30.9.16-2P-5C

ORDER
IN
CRL MP (MD) No.4086 of 2016
IN
CRL A (MD) No.177 of 2016
Date :27/09/2016