



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 M.SATHYANARAYANAN
and
The Hon`ble Ms.Justice V.M.VELUMANI

CRL MP(MD) No.4124 of 2016
IN
CRL A(MD) No.182 of 2016

1 ARUN KUMAR @ ARUN

2 PALANIMEGAM

... PETITIONERS/APPELLANTS

Vs

1 THE ASSISTANT SUPERINTENDENT OF POLICE,
VALLAM SUB DIVISION,
THANJAVUR DISTRICT.
(CRIME NO. 278/2012)

... RESPONDENT/RESPONDENT

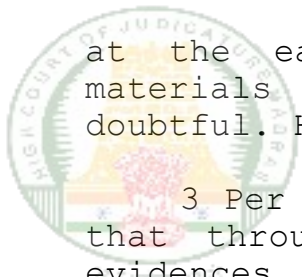
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the learned 1st Additional District and Sessions Judge (PCR) Thanjavur in S.S.C.No. 72/2012 dated 01.10.2015 and to enlarge the appellant on bail in connection with S.S.C.No. 72/2012 on the file of the learned 1st Additional District and Sessions Judge (PCR) Thanjavur 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 C.JEGANATHAN, Advocate for the petitioner and R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN,J.)

The first petitioner/appellant was convicted under Sections 120 (b), 364 and 302 I.P.C. and the second petitioner/ appellant was convicted under Sections 120(b) and 302 I.P.C, vide impugned judgment dated 01.10.2015 in S.S.C.No.72/2012 on the file of the First Additional District and Sessions Judge, (P.C.R) Thanjavur, have filed this appeal.

2 Learned Counsel for the petitioners/appellants would submit that according to the prosecution that it is a case of honour killing and though P.W.4 had last seen of the deceased the company of the accused, he and other witnesses did not speak about the same



at the earliest point of time and the alleged incriminating materials and articles recovered from the accused were also doubtful. Hence, he prays for suspension of sentence.

3 Per contra, learned Additional Public Prosecutor would submit that through the testimonials of P.W.2 coupled with the other evidences, the prosecution proved the case beyond reasonable doubt. Hence, he prayed for the dismissal of this petition.

4 This court has considered the rival submissions of the learned counsel for the petitioners/appellants.

5 A perusal of evidence of P.W.4 would prima facie would disclose that though there are some contradictions have been elicited, whether those contradictions have been put to the Investigating Officer or not and so to the last seen theory, nothing has been elicited. This Court, on going through the evidence of P.W.4, is of the view that the points urged by the learned Counsel for the petitioners/appellants can be appreciated only at the time of disposal of the main appeal. Therefore, this miscellaneous petition is liable to be dismissed.

In the result, this petition is dismissed.

sd/-

27/09/2016

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

TO

- 1 THE ASSISTANT SUPERINTENDENT OF POLICE,
VALLAM SUB DIVISION,
THANJAVUR DISTRICT.
- 2 THE Ist ADDITIONAL DISTRICT
AND SESSIONS JUDGE (PCR), THANJAVUR
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

JAM/DB/03.10.2016/SAR 3 /2P-5C

ORDER IN
CRL MP(MD) No.4124 of 2016
IN
CRL A(MD) No.182 of 2016
Date :27/09/2016