



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

Thursday, the Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

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

CRL MP (MD) No.4335 of 2016

IN

CRL A (MD) No.191 of 2016

SUDHAKAR

... PETITIONER/APELLANT

Vs

STATE REP BY

THE INSPECTOR OF POLICE

THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.

(CRIME No.160/2013)

... 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 of imprisonment imposed by the Learned Principal Sessions Judge, Thoothukudi in S.C. No.195 of 2014 by the judgement dated 28.3.2016 and enlarge the petitioner on bail pending disposal of the above said Crl.A.(MD)No.191 of 2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.CHELLAPANDIAN, Senior Counsel for M/S.S.R.A.RAMACHANDHRAN, Advocate for the petitioner and of M/S.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the Court made the following order:-

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

The petitioner is the sole accused in S.C.No.195 of 2014 on the file of the learned Principal Sessions Judge, Thoothukudi. He stood charged for the offences punishable under Sections 302 and 201 of the Indian Penal Code. By judgment dated 28.03.2016, the Trial Court has convicted the petitioner for the offence punishable under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 3 months and to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 3 months for the offence punishable under Section 201 of the Indian Penal Code. 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 Senior 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, the allegation is that the accused, taking his wife in a car to the place of occurrence, stabbed him with a knife and caused her death. But the learned Senior Counsel for the petitioner has contended that at the earliest point of time, in the complaint made by P.W.1, it is stated that the car came in a great speed and dashed against the road side, in which, the deceased sustained injury and died. In order to prove the contrary story that the accused stabbed the deceased, the prosecution relies only on the evidence of P.W.5. But, P.W.5 did not speak about the occurrence to anyone. There is no explanation for the delay.

4. Having considered all the above and more particularly, as per the earliest information, the deceased died in an accident, we are inclined to suspend the substantive sentence imposed upon the petitioner.

5. In the result, the petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/sole accused alone is suspended pending disposal of the above said Crl.A.(MD) No.191 of 2016 and the petitioner is directed to be enlarged on bail on his executing 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, Sathankulam, subject to a condition that he shall report before the Committal 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/-

06/10/2016

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI
 - 2.THE JUDICIAL MAGISTRATE, SATHANKULAM
 - 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 5.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
 - 6.THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.
- +3. C.C.s to M/S S.R.A.RAMACHANDHRAN Advocate SR.No.59692
RL/10C/2P/GSV/PM/SARII/6.10.2016

ORDER

IN

CRL MP (MD) No.4335 of 2016

IN

CRL A (MD) No.191 of 2016

Date :06/10/2016