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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.4577 of 2016

IN

CRL A(MD) No.204 of 2016

LAKSHMANAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO. 1 /2012)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by SUSPENDING THE SENTENCE imposed upon him in S.C.No.85 of 2013 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District dated 04.09.2015 pending disposal of the main Crl.A.

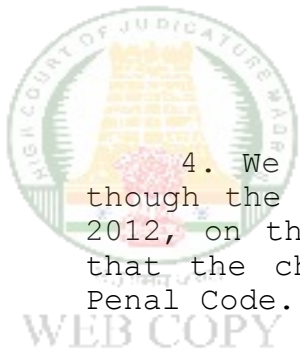
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.THIRUVADI KUMAR, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by K.K.SASIDHARAN,J.)

This petition, at the instance of the accused No.9 in S.C.No. 85 of 2013, on the file of learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, seeks an order for suspension of sentence, pending disposal of the Criminal Appeal.

2. The petitioner was accused No.9 in S.C.No. 85 of 2013. The learned Sessions Judge convicted the accused under Section 148 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year. The Judgment was passed on 04.09.2015. The learned Sessions Judge suspended the sentenced till 05.10.2015. Since the accused was arrested in connection with another case, he could not execute the bond and produce sureties for his release. The petitioner was, therefore, remanded to judicial custody on 27.05.2016. The present petition is to suspend the sentence.

3. There is no dispute that the petitioner was sentenced to undergo rigorous imprisonment for one year. The petitioner is in jail since



4. We have perused the Judgment of the learned Trial Judge. Even though the petitioner was also an accused in the case in Crime No.1 of 2012, on the file of Thoothukudi South Police station, the fact remains that the charge against him was only under Section 148 of the Indian Penal Code.

5. In view of the background facts, we are of the considered view that the sentence deserves to be suspended.

6. The sentence awarded to the petitioner shall remain suspended till the disposal of the Criminal Appeal, 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 No.I, Thoothukudi and with a further condition that he shall report before the said Court at 10.30 AM on the first working day of every English Calendar month, for a period of three months, commencing from August 2016.

7. The Miscellaneous Petition is disposed of, as indicated above.

sd/-

28/07/2016

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

TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE NO.1, TUTICORIN.
- 3 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 4 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S A. THIRUVADI KUMAR Advocate SR.No.40329

ORDER
IN
CRL MP (MD) No.4577 of 2016
IN
CRL A (MD) No.204 of 2016
Date : 28/07/2016