



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

Thursday, the Eighth day of September Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice S.NAGAMUTHU
and
The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP (MD) No.4634 of 2016
IN
CRL A (MD) No.206 of 2016

1 SURIYA SEKAR

... PETITIONER NO.1/APPELLANT/
ACCUSED NO.1

2 SELVAM

... PETITIONER NO.2/APPELLANT/
ACCUSED NO.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
(IN CRIME NO.233 OF 2010)

... RESPONDENT/RESPONDENT/COMPLAINANT

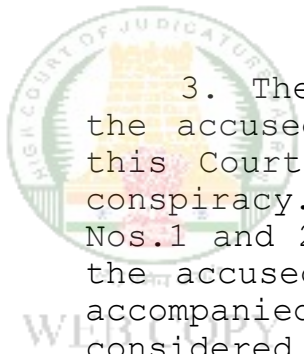
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the Petitioners/Appellants/Accused No. 1 and 2 in S.C No. 191 of 2013 dated 16.12.2013 on the file of the Honourable II Additional Sessions Judge, Thoothukudi by granting bail, till the disposal of the Criminal Appeal (MD)No.206 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.K.RAMAKRISHNAN, Advocate for the petitioner and of M/S.T.MOHAN, 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 petitioners are the accused Nos.1 and 2 in S.C.No.191 of 2013, on the file of learned Second Additional Sessions Judge, Thoothukudi. They have been convicted for the offences punishable under Sections 302 r/w 120-B and 302 of the Indian Penal Code. The accused Nos.3 and 4 were also convicted for the offence punishable under Section 302 r/w 120-B of the Indian Penal Code. The maximum punishment imposed upon them is imprisonment for life. Challenging the same, the petitioners are before this Court with the present Criminal Appeal. Pending appeal, they seek suspension of sentence.

2. We have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the State. We have also perused the records carefully.



3. The learned counsel for the petitioners would submit that the accused Nos.3 and 4 were acquitted on an appeal filed before this Court on the ground that there is no evidence to prove the conspiracy. It may be true. So far as the petitioners herein/Accused Nos.1 and 2 are concerned, there are specific overt acts, in which, the accused have stabbed the deceased to death. Their motive also accompanied by evidences. In such view of the matter, in our considered view, it is not a fit case to grant suspension of sentence. Thus, the petition deserves to be dismissed and accordingly, the same is dismissed.

4. Registry is directed to prepare the typed-set of papers and list the Criminal Appeal itself for final hearing.

sd/-
08/09/2016

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

TO

- 1.THE SECOND ADDITIONAL SESSIONS JUDGE
THOOTHUKUDI
- 2.DO THROUGH THE PRINCIPAL SESSIONS JUDGE
THOOTHUKUDI
- 3.THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI
- 4.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 5.THE SUPERINTENDENT , CENTRAL JAIL, PALAYAMKOTTAI
- 6.THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
- 7.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

RL/8C/2P/PV/SARI/14/9/2016

ORDER
IN
CRL MP (MD) No.4634 of 2016
IN
CRL A (MD) No.206 of 2016
Date :08/09/2016