



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

Friday, the Eleventh day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.4927 of 2016

IN

CRL A(MD) No.221 of 2016

PATHUKASU SHANKAR @ UDAYASHANKAR

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO. 51/2015).

... 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 I Additional District and Sessions Judge (PCR), Thanjavur in S.C.No. 308 of 2015 dated 06.05.2016 pending disposal of this appeal and release the petitioner on bail

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S C.ARUL VADIVEL ALIAS SEKAR, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate(Crl.Side), on behalf of the Respondent, the court made the following order:-

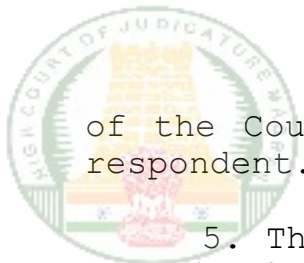
This Criminal Miscellaneous Petition has been filed by the Petitioner, who is the wife of the Appellant / Accused, praying to suspend the sentence of imprisonment imposed on him, by the learned I Additional District and Sessions Judge (PCR), Thanjavur in S.C.No.308 of 2015, dated 06.05.2016, pending disposal of the above Criminal Appeal.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 304 IPC.,	10 year R.I. + Fine Rs.5,000/-, i/d 6 Months S.I.

3. Fine amount imposed by the trial Court was paid.

4. The Court heard the submissions made by the learned counsel <https://hcservices.ecourts.gov.in/hcservices/appellatecourts/madras> appearing for the petitioner / appellant and the learned Government Advocate (crl.side) appearing for the respondent and also perused the materials available on record, including the impugned Judgment



of the Court below and also the counter affidavit produced by the respondent.

5. The records produced by the petitioner shows that there are certain important contradictions in the evidence of eye-witnesses regarding the alleged occurrence and also giving complaint in respect of the offence. Considering the charge against the petitioner herein, I am of the view that certain arguable points are involved in this Criminal Appeal and they are required to be examined in detail in the main Appeal. Further, it will take some time for disposal of the Criminal Appeal. The appellant is confined in the Central Prison, Tiruchy from 06.05.2016. I see prima facie case in favour of the petitioner / appellant, for grant of an interim order of suspension.

6. On considerations, ordered as under:-

(i) Appeal bail granted.

(ii) Sentence of imprisonment ordered by the trial Court alone is suspended, till the disposal of the appeal. There shall be two sureties, one among them should be the wife of the appellant and they shall execute a separate bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each to the satisfaction of the learned Judicial Magistrate No.2, Thanjavur.

(iii) The appellant shall appear before the said Court on the first working day of every month at 10.30 am., until further orders.

sd/-

11/11/2016

/ TRUE COPY /

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

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), THANJAVUR.
2 DO THRO THE PRINCIPAL SESSIONS JUDGE, THANJAVUR DISTRICT AT
KUMBAKONAM.

3 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

4 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT
KUMBAKONAM.

5 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

7 THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION, THANJAVUR DISTRICT.

+1. C.C. to M/S C.ARUL VADIVEL ALIAS SEKAR Advocate SR.No.68004.

ORDER IN

CRL MP(MD) No.4927 of 2016 IN

CRL A(MD) No.221 of 2016

Date : 11/11/2016