



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

Thursday, the Fifteenth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

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

CRL MP(MD) No.5244 of 2016

IN

CRL A(MD) No.234 of 2016

1 KALIYAPPAN
2 RAMKUMAR

... PETITIONERS/ACCUSED NO.4 & 6

Vs

STATE REP.BY ITS

THE INSPECTOR OF POLICE

KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.

(CRIME NO. 267/2013)

... RESPONDENT/COMPLAINANT

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 by the IInd Additional District Sessions Judge, Thoothukudi in S.C.No. 97 of 2015 by judgment dated 14.06.2016 pending the disposal of the main Crl.A.

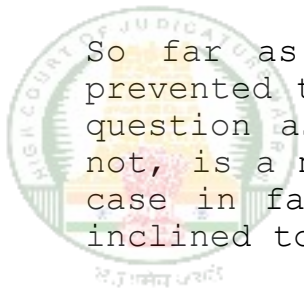
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S S.RAMASAMY, Advocate for the petitioner and of Mr.T.Mohan, Additional Public Prosecutor for the Respondent, the court made the following order:-

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

The petitioners are the accused Nos.4 and 6 in S.C.No.97 of 2015 on the file of learned II-Additional District and Sessions Judge, Thoothukudi. The petitioners have been convicted for the offences under Sections 302 r/w 109 and 341 IPC. The maximum punishment imposed on the petitioners is imprisonment for live. Challenging the said conviction and sentence, the petitioners have come up 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.A perusal of the records would go to show that there were totally six accused and the specific allegations made against the accused Nos.1 to 3 is that they caused the death of the deceased.



So far as these petitioners/A4 and A6 are concerned, they only prevented the witnesses from going to the place of occurrence. The question as to whether the said act would amount to abetment or not, is a matter to be examined in depth. Thus, we find prima facie case in favour of the petitioners/A4 and A6 and therefore, we are inclined to suspend the sentence of the petitioners/A4 and A6.

4. In the result, this petition is allowed and the sentence of imprisonment imposed on the petitioners/A4 and A6 is suspended pending disposal of the above said CrI.A.(MD)No.234 of 2016 and the petitioners/A4 and A6 are directed to be enlarged on bail on each 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 No.I, Kovilpatti, subject to a condition that they 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/-

15/09/2016

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL DISTRICT SESSIONS JUDGE, THOOTHUKUDI
- 2 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI
- 3 -do-thro THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
- 5 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S S.RAMASAMY Advocate SR.No.52543

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ORDER

IN

CRL MP (MD) No.5244 of 2016

IN

CRL A (MD) No.234 of 2016

Date :15/09/2016