



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

Wednesday, the Seventh 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.5771 of 2016

IN

CRL A (MD) No.266 of 2016

MASILA @ ANTHONY KRIMINAL MASILA

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

PAMPAN POLICE STATION, RAMANATHAPURAM DISTRICT.

(CR. NO.32/2012)

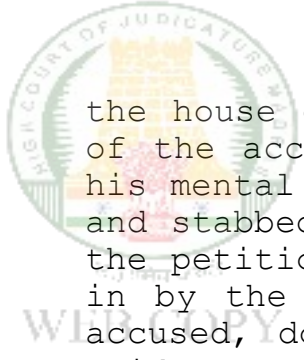
... RESPONDENT/COMPLAINANT

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 on the appellant by order dated 8.6.2016 made in S.C.No.69/2013 on the file of the Learned Additional District Judge, Ramanathapuram pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRAVAN for Senior counsel for M/S ALAGU BALA KRISHNAN, Advocate for the petitioner and of Mr.R.RAMACHANDRAN Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner is the sole accused in S.C.No.69 of 2013 on the file of the learned Additional District and Sessions Judge, Ramanathapuram. He has been convicted for the offence under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months. Challenging the said conviction and sentence, the petitioner has come up with this Criminal Appeal. Pending appeal, he seeks suspension of sentence.

2.We have heard the learned senior counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.



the house of the accused and extended sexual overacts to the wife of the accused. Having got enraged over the same and having lost his mental balance, it is alleged that the accused took out a knife and stabbed the deceased. The learned senior counsel appearing for the petitioner would submit that even according to the evidence let in by the prosecution, the offence said to have been done by the accused, do not fall under Section 302 IPC. We find force in the said argument. The learned senior counsel has also pointed out various other contradictions in the evidences. Having regard to all the above, we are of the view that this is a fit case to grant suspension of sentence. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail, on the following conditions:

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, Rameswaram, and on further condition that the petitioner shall report before the said Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

sd/-

07/09/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RAMESWARAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PAMPAN POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1CC to M/S ALAGU BALA KRISHNAN, Advocate SR.No.50564

+1cc to M/s.C.JEGANATHAN, Advocate SR.No.50883

ORDER

IN

CRL MP(MD) No.5771 of 2016

IN

CRL A(MD) No.266 of 2016

Date :07/09/2016