



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

Thursday, the Twenty Second 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.6178 of 2016

IN

CRL A(MD) No.274 of 2016

MURUGESAN @ KOKKAR MURUGESAN

... APPELLANT/ACCUSED NO.3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KALLIDAIKURICHI POLICE STATION,
KALLIDAIKURICHI,
TIRUNELVELI DISTRICT.
CRIME NO. 375 OF 2013

... 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 against in S.C.No. 185 of 2015 on the file of the Honourable 4th Additional Sessions Court, Tirunelveli dated 29.01.2016 and release on bail till the disposal of the appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.ALAGUMANI, 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 **S.NAGAMUTHU, J.**]

The petitioner is the third accused in S.C.No.185 of 2015 on the file of the Fourth Additional Sessions Court, Tirunelveli. He has been convicted for the offence punishable under Section 302 r/w 109 of the Indian Penal Code. The maximum sentence imposed upon him is imprisonment for life. Challenging the said conviction and sentence, the petitioner has come up with the present Criminal Appeal. Pending appeal, he seeks suspension of sentence.

2. We have heard the learned counsel appearing for the petitioner 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 reveal that so far as the petitioner is concerned, he was present at time of occurrence and he



shouted at the other accused to attack the deceased and there is no other overt act attributed to the petitioner. So far as the conspiracy of the petitioner is concerned, there is a doubt.

4. Having regard to all the above, this Court is of the view that it is a fit case to grant suspension of sentence.

5. In the result, the petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/accused No.3 alone is suspended pending disposal of the above said CrI.A.(MD) No.274 of 2016 and the petitioner is directed to be enlarged on bail on his 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, Ambasamudram, subject to a condition that he 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/-

22/09/2016

/ TRUE COPY /

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

TO

- 1 THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION, KALLIDAIKURICHI,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. C.C. to M/S R.ALAGUMANI, Advocate SR.No.55344

ORDER
IN
CRL MP (MD) No.6178 of 2016
IN
CRL A (MD) No.274 of 2016
Date :22/09/2016