



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

Tuesday, the Twenty Fifth day of October Two Thousand Sixteen

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PRESENT

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

CRL MP(MD) No.6758 of 2016

IN

CRL A(MD) No.263 of 2016

MURUGAIAH

... PETITIONER/APPELLANT/
ACCUSED.

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PULIYAMPATTI POLICE STATION,
PULIYAMPATTI ,
THOOTHUKUDI DISTRICT.
CR. NO.37/2014

... 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 and release me on bail pending disposal of his Criminal Appeal before this Honourable Court against the judgement in S.C. No.188 of 2015 on the file of the Additional District Sessions Court Thoothukudi dated 10.2.2016.

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 M/S.R.RAMACHANDRAN, Additional Public Prosecutor, on behalf of the Respondents the court made the following order:-

(Order of the Court was made by S.NAGAMUTHU, J)

The petitioner/appellant is the sole accused in S.C.No.188 of 2015 on the file of learned Additional District Sessions Judge, Thoothukudi. He stood charged for the offences under Section 302 IPC and he has been convicted for the offence under Section 302 IPC and has been sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for one year. Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.



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

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3. In this case, P.W.1 the father of the deceased had stated that he witnessed the occurrence. The accused in this case is none else than the husband of the deceased. The conduct of the accused in fleeing away from the scene of occurrence, without taking any action, is quite unnatural and the same is inconsistent with the plea of innocence taken before the trial Court. It is seen that there are sufficient materials against the accused/petitioner and thus, it is not a fit case to grant suspension of sentence. Accordingly, this petition is dismissed.

sd/-

25/10/2016

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
THOOTHUKUDI.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
TUTICORIN DISTRICT.

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

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE INSPECTOR OF POLICE
PULIYAMPATTI POLICE STATION, PULIYAMPATTI ,
THOOTHUKUDI DISTRICT.

ORDER

IN

CRL MP(MD) No.6758 of 2016

IN

CRL A(MD) No.263 of 2016

Date :25/10/2016

AM/SK SKN/SAR-1/02.11.2016/2P/6C