



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice V.RAMASUBRAMANIAN
and
The Hon`ble Mr.Justice N.KIRUBAKARAN

CRL MP(MD) No.688 of 2016
IN
CRL A No.1157 of 2003

MURUGAN@MURUGESAN

... PETITIONER/APPELLANT

Vs

STATE, REP. BY
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR.
(CR. NO. 927/98)

... 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 of imprisonment imposed by the learned Principal Sessions Judge, Thanjavur in S.C. No.2 of 2003 by the judgement dated 24.7.2003 and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal.

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

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner / appellant was the second accused in S.C.No.2 of 2013 on the file of the Principal Sessions Court, Thanjavur. The offences for which the petitioner / appellant was charged were Sections 201 r/w.34 and Section 414 IPC.

2. By a judgment, dated 24.07.2003, the Sessions Court convicted A.1 for various offences including one under Section 302 IPC. The petitioner/appellant was convicted for the offences under Sections 201 r/w 34 and Section 414 IPC. He was imposed with a penalty of rigorous imprisonment for seven years together with a fine of Rs.3,000/- for the offences under Sections 201 r/w.34 IPC and he was imposed with a penalty of rigorous imprisonment for 21 months for the offence under Section 414 IPC. Both sentences were directed to run concurrently.

<https://hcservices.ecourts.gov.in/hcservices/> Against the conviction and sentence the petitioner filed the above Criminal Appeal in Crl.A.No.1157 of 2003. By an order dated 04.08.2003, this Court suspended the sentence and directed the petitioner



to be enlarged on bail. But, unfortunately, the learned counsel for the petitioner did not appear when the appeal was taken up for final disposal in February 2013, at the Madurai Bench to which the appeal had been transferred after the constitution of the Madurai Bench in 2004.

4. The main reason according to the petitioner, for the non-appearance of his Counsel is that the Counsel had already been elevated in the year 2011 as a Learned Judge.

5. Be that as it may, finding that there was no appearance, the Bench of this Court passed an order dated 11.02.2013 cancelling the bail and directing the police to secure him. Accordingly, he was secured and lodged in jail.

6. It appears that the main appeal itself was argued on 17.07.2013 before a Bench and Judgment was reserved. But after a year, the case was reopened due to the retirement of one of the learned Judges in September 2014. Therefore, the petitioner continued to be in custody. Added to his woes, the appeal of the petitioner was dismissed for non-prosecution on 29.07.2015. He came up with a petition for restoration which was allowed by this Court. After it was allowed, the matter was listed before the Regular Bench. But one of the Learned Judges recused, as a consequence of which, the matter was listed as 'Specially Ordered' before us.

7. In the meantime, the petitioner has moved an application for suspension of sentence. The petitioner has already undergone almost two years and eleven months from the date he was taken into custody by virtue of the order dated 11.02.2013.

8. As we indicated earlier, the maximum sentence that the petitioner is required to serve is seven years. He has now served nearly more than 40% of the said duration.

9. This is in contrast to A.1 whose appeal was also dismissed, but, who is still at large despite being sentenced to life imprisonment.

10. In the light of the above, the substantive sentence of imprisonment is alone suspended and the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum each to the satisfaction of learned Judicial Magistrate No.II, Thanajavur.

11. List the main appeal for final hearing before the Regular Criminal Bench next week.

sd/-
27/01/2016

/ TRUE COPY /

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



TO

1 THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

3 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR.

5 THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S M.KARUNANITHI Advocate SR.No.4642

ORDER
IN
CRL MP(MD) No.688 of 2016
IN
CRL A No.1157 of 2003
Date :27/01/2016

ssm

NS/NGM-SS/SAR I/28.01.2016 : 3P/8C