



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

Tuesday, the Eighteenth day of October Two Thousand Sixteen

PRESENT

**The Hon`ble Mr.Justice S.NAGAMUTHU**  
**and**

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

CRL MP (MD) No.7677 of 2016

IN

CRL A (MD) No.311 of 2016

MURUGAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
KALLIDAIKURICHI POLICE STATION,  
TIRUNELVELI DISTRICT.  
CR.NO.375/2013

... RESPONDENT/RESPONDENT

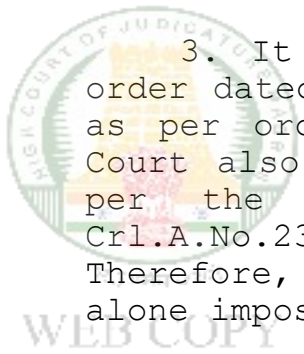
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed on the petitioner by the Learned IV - Additional Sessions Judge, Tirunelveli and passed in S.C.No.185 of 2015 dated 29.1.2016 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S C.CHRISTOPHER, Advocate for the petitioner and of Government Advocate (Crl.Side) for the Respondent the court made the following order:-

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

The petitioner/appellant is the 2<sup>nd</sup> accused in S.C.No.185 of 2015 on the file of learned IV Additional Sessions Judge, Tirunelveli. He has been convicted for the offence under Section 302 r/w 109 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/- in default, to undergo six months rigorous imprisonment. 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.



3. It is brought to our notice that earlier, this Court, by order dated 16.09.2016, suspended the sentence on the third accused as per order in CrI.M.P.No.6178/2016 in CrI.A.No.274/2016. This Court also suspended the sentence imposed on the first accused as per the order dated 05.10.2016 in CrI.M.P.No.5321/2016 in CrI.A.No.236/2016. The petitioner also stands in the same footing. Therefore, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner pending appeal.

5. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

The petitioner shall execute 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, Tirunelveli District and on further condition that the petitioner shall report before the committal Court at 10.30 a.m., on the first working day of every English Calendar Month, until further orders.

sd/-  
18/10/2016

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

RR  
TO

- 1 THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI
- 2 THE JUDICIAL MAGISTRATE  
AMBASAMUDRAM, TIRUNELVELI DISTRICT
- 3 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 4 THE INSPECTOR OF POLICE  
KALLIDAIKURICHI POLICE STATION,  
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S C.CHRISTOPHER Advocate SR.No.61208

GJM/SKS.RR.SAR-III-20.10.16-2P-7C

ORDER  
IN  
CRL MP(MD) No.7677 of 2016  
IN  
CRL A(MD) No.311 of 2016  
Date :18/10/2016