



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

Tuesday, the Twenty Fifth 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.8005 of 2016

IN

CRL A(MD) No.320 of 2016

GURUPUTHIRAN

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
SIVAGIRI,
TIRUNELVELI DISTRICT.
(CRIME NO. 52 OF 2015)

... RESPONDENT/RESPONDENT/
COMPLAINANT.

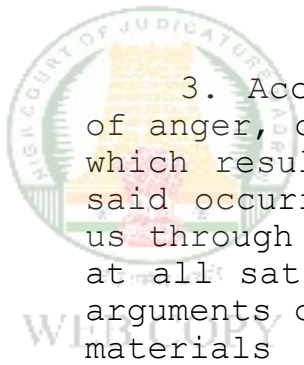
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned IV Additional District and Sessions Judge, Tirunelveli, Tirunelveli District dated 04.04.2016 made in S.C.No. 634 of 2015 forthwith 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 M/S.S. PALANIVELAYUTHAM, Advocate for the petitioner and of M/S.R.RAMACHANDRASN, 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 1st accused in S.C.No.634 of 2015 on the file of learned IV Additional District Sessions Judge, Tirunelveli. He has been convicted for the offence under Section 302 and 201 IPC. The maximum punishment imposed upon him is imprisonment for life. 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. According to the case of the prosecution, the accused, out of anger, cut the private part of the deceased to a length of 17 cm, which resulted in her death. There are circumstances to prove the said occurrence. The learned counsel for the petitioner has taken us through the evidence of P.W.1 and few more witnesses. We are not at all satisfied with the said arguments. We are persuaded by the arguments of the learned Additional Public Prosecutor that there are materials to substantiate the allegations against the petitioner. 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 IV ADDITIONAL DISTRICT SESSIONS JUDGE,
TIRUNELVELI.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI DISTRICT.

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

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
TIRUNELVELI DISTRICT.

5 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
SIVAGIRI, TIRUNELVELI DISTRICT.

ORDER
IN
CRL MP(MD) No.8005 of 2016
IN
CRL A(MD) No.320 of 2016
Date :25/10/2016

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