



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

Friday, the Seventh 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.8411 of 2016

IN

CRL A(MD) No.327 of 2016

PALANIVEL @ VELUSAMY

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO. 277 OF 2012.

... RESPONDENT/RESPONDENT

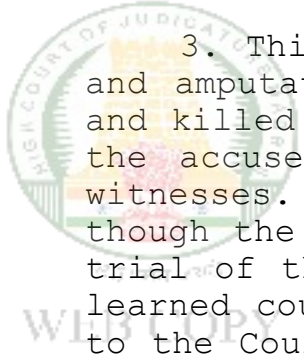
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE IMPOSED by the fast Track Mahila Court, Dindigul passed in S.C No. 50 of 2013 dated 13.05.2016 pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S M.RAMU, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, 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 sole accused in S.C.No.50 of 2013 on the file of the Fast Track Mahila Court, Dindigul. He stood charged for the offences punishable under Sections 307 and 302 of the Indian Penal Code. By judgment dated 13.05.2016, the Trial Court has convicted him under both charges and sentenced him to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 6 months for the offence punishable under Section 302 IPC and to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 6 months for the offence punishable under Section 307 IPC. 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. This is a case where the accused attacked P.W.1 with aruval and amputated one of her hands by wrist and attacked the deceased and killed her. P.W.1, who has lost her wrist on the attack made by the accused, has given vivid evidence. There are also other eye witnesses. None of the witness was cross-examined by the accused, though the counsel for the accused was present all along during the trial of the case and though the accused also made appearance. The learned counsel for the petitioner is not in a position to explain to the Court as to what prevented the learned counsel on record to cross-examine the witnesses and from making his argument. Thus, for no fault of the prosecution, the accused refused to cross-examine the witnesses and refused to dispute any fact spoken by the eye witnesses. Thus, we do not find any reason to suspend the sentence. The petition is, therefore, dismissed.

sd/-
07/10/2016

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

TO

- 1 THE JUDGE, FAST TRACK COURT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SML
CSL/EM-MPA/SAR-I/24.10.2016: 2P/5C

ORDER
IN
CRL MP(MD) No.8411 of 2016
IN
CRL A(MD) No.327 of 2016
Date :07/10/2016