



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

Wednesday, the Nineteenth 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.8703 of 2016

IN

CRL A(MD) No.335 of 2016

A.ARMAAS,

... PETITIONER/APPELLANT/ACCUSED 2

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
CANTONMENT POLICE STATION, TRICHY  
CR. NO. 1683 OF 2012

... RESPONDENT/COMPLAINANT

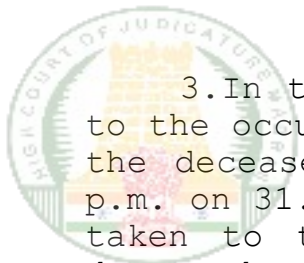
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed in S.C. No. 220 of 2013 24.08.2016 passed by the learned Sessions Judge Tiruchirappalli and enlarge the Petitioner on bail pending disposal of main Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.Elango Senior counsel for M/S.S.RAVI, Advocate for the petitioner and of Mr.R.Ramachandran, Additional Public Prosecutor 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.220 of 2013 on the file of learned Sessions Judge, Tiruchirappalli Division, Tiruchirappalli. There were five other accused in the case. The accused 1 to 3 were convicted for offences under Sections 323 and 302 IPC, besides, the first accused was convicted for offence under Section 294(b) IPC. The accused No.4 was convicted for offences under Sections 302 r/w 34 and 323 IPC. The accused 5 and 6 were convicted for offence under Section 323 IPC. The maximum punishment imposed on the appellant 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 senior counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.



3. In this case, P.Ws.1 to 3 are stated to be the eye witnesses to the occurrence. It is their case that the accused 1 to 3 stabbed the deceased with knives. The occurrence had taken place at 9.45 p.m. on 31.12.2013. According to P.W.1, the deceased was immediately taken to the hospital and admitted there at 9.45 p.m. When the deceased and P.W.1 were in the hospital, it is stated that all the accused again came to the hospital and attacked them. It is further stated that at 11.30 p.m., a case was registered on the complaint made by P.W.1. However, it is seen from the records that the FIR had reached the hands of the learned Judicial Magistrate only at 7.30 p.m., on the next day and it is pointed out by the learned senior counsel that absolutely there is no explanation for the said inordinate delay. Further, at the earliest point of time, the deceased had told the Doctor that he was attacked by unknown persons, whereas, according to P.W.1, these accused were his College mates. There is no explanation as to why P.W.1 made such a statement. The deceased died 7 days, after the occurrence. P.W.1, during cross examination, has stated that for making complaint, he alone went to the police station. He has further admitted that at the time, when he made the complaint, he was not aware of the names, fathers' name and addresses and other details of the assailants. However, strangely, the names of all the six accused found place in the FIR. Thus, there are some anomalies, which, in our considered view, would make out a prima facie case for suspending the substantive sentence of imprisonment. Therefore, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner pending appeal.

4. 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, II, Tiruchirappalli 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/-  
19/10/2016

/ TRUE COPY /



TO

1 THE SESSIONS JUDGE, TIRUCHIRAPPALLI

2 THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI

3 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

5 THE INSPECTOR OF POLICE,  
CANTONMENT POLICE STATION, TRICHY.

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

+1. C.C. to M/S.S.RAVI Advocate SR.No.61441

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ORDER

IN

CRL MP (MD) No.8703 of 2016

IN

CRL A (MD) No.335 of 2016

Date :19/10/2016