



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

Wednesday, the 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.8914 of 2016

IN

CRL A(MD) No.344 of 2016

SANGILI ALIAS SANGILIMADASAMY

... PETITIONER/APPELLANT.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SANKARANKOIL TALUK CIRCLE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 146 OF 2011.

... RESPONDENT/RESPONDENT.

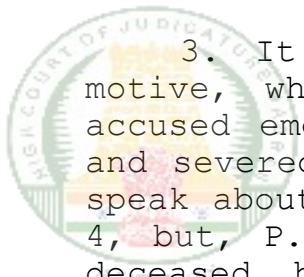
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed by the III Additional District and Sessions Judge, Tirunelveli dated 20.03.2015 in S.C. No. 98 of 2013 and enlarge the Petitioner on bail pending disposal of the main appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S A.JAYARAMACHANDRAN, Advocate for the petitioner and of M/S.R.RAMACHANDRAN, 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.98 of 2013 on the file of the learned Third Additional District and Sessions Judge, Tirunelveli. The Trial Court, by judgment dated 20.03.2015, has convicted the petitioner for the offence punishable under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for one year. 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. It is the case of the prosecution that due to previous motive, when the deceased was near a two wheeler workshop, the accused emerged there with an aruval and indiscriminately cut him and severed his head and ran away from the scene of occurrence. To speak about the occurrence, the prosecution has examined P.Ws.1 to 4, but, P.Ws.2 to 4 have turned hostile. P.W.1, the father of the deceased, has spoken vividly about the entire occurrence.

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4. The learned counsel for the petitioner would submit that there are contradictions in the evidence of P.W.1 as to whether the deceased was cut, when he was moved away from the workshop in the motorcycle, or when he was in the workshop to take the motorcycle. This, in our considered view, cannot be considered as a major contradiction, so as to go into the root of the case. The learned counsel would next contend that the motive has not been established. A perusal of the judgment would go to show that the Trial Court has very elaborately discussed about the motive, for which, there is evidence also. In any case, this is a case of brutal murder, where a man was severely attacked by the accused, which was vividly spoken by P.W.1, the father of the deceased, whose evidence is quite natural.

5. Thus, in our considered view, it is not a fit case to grant suspension of sentence. The petition is, therefore, dismissed.

sd/-

05/10/2016

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

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
SANKARANKOIL TALUK CIRCLE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT,

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

ORDER

IN

CRL MP(MD) No.8914 of 2016

IN

CRL A(MD) No.344 of 2016

Date :05/10/2016