



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

Thursday, the Sixth 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.9001 of 2016

IN

CRL A (MD) No.345 of 2016

P.BALA MURUGAN

... PETITIONER/APPELLANT/
5TH ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
EAST POLICE STATION,
KOVILPATTI,
CR.NO. 267 OF 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 of life imprisonment imposed against the petitioner in SC No. 97 of 2015 on the file of the Additional Sessions Judge, Thoothukudi on 14.06.2016 and grant bail and their by render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.JAYA PRAKASH, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor for the Respondent the court made the following order:-

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the fifth accused in S.C.No.97 of 2015 on the file of the learned Second Additional District and Sessions Judge, Thoothukudi. Including the petitioner, there were a total number of six accused. The Trial Court framed charges under Section 120-B, 302 r/w 109 and 341 of the Indian Penal Code against the petitioner. By judgment dated 14.06.2016, the Trial Court has convicted the petitioner for the offence punishable under Section 302 r/w 109 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 simple imprisonment for 1 year and to pay a fine of Rs.250/-, in default, to undergo simple imprisonment for one week for the offence punishable under Section 341 of the Indian Penal Code. 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. In this case, even according to the prosecution, accused Nos.1 to 3 attacked the deceased and caused his death using aruval. So far as Accused Nos.4 to 6 are concerned, they prevented the witnesses from nearing the deceased to rescue. The learned counsel would take us through the evidences and point out certain contradictions.

4. Having regard to the fact that there is no specific overt act attributed against the petitioner and having regard to the contradictions in the evidence, we are inclined to suspend the substantive sentence imposed upon the petitioner.

5. In the result, the petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/fifth accused alone is suspended pending disposal of the above said CrI.A.(MD) No.345 of 2016 and the petitioner is directed to be enlarged on bail on his executing 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 No.2, Kovilpatti, subject to a condition that he shall report before the Committal Court, once in a month, i.e., on the first working day of every English Calendar month at 10.30 a.m. until further orders.

sd/-

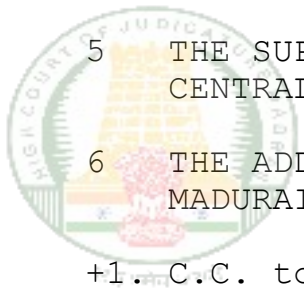
06/10/2016

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

SML
TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI
- 2 THE JUDICIAL MAGISTRATE NO.2, KOVILPATTI
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 4 THE INSPECTOR OF POLICE,
EAST POLICE STATION, KOVILPATTI.



5 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

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

+1. C.C. to M/S.R.JOSEPH THANKARAJ Advocate SR.No.59586

GJM/SS2/SAR-I-13.10.16-3P-8C

ORDER

IN

CRL MP (MD) No.9001 of 2016

IN

CRL A (MD) No.345 of 2016

Date :06/10/2016