



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

Monday, the Seventeenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and
The Hon`ble Mr.Justice M.GOVINDARAJ

CRL MP(MD) No.9337 of 2016
IN
CRL A(MD) No.355 of 2016

JEYARAJ

... PETITIONER/APPELLANT/ACCUSED NO.2
Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM CIRCLE,
EATHAMOZHY POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO. 120/2009

... 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 execution of sentence by granting bail of in SC NO. 4 of 2011 dated 23.04.2016 on the file of the Sessions Judge, Kanyakumari Division at Nagercoil.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.KATHIRVELU, Senior Counsel for K.PRABHU, 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 second accused in S.C.No.4 of 2011 on the file of the learned Sessions Judge, Kanyakumari Division at Nagercoil. There was yet another accused, who was originally arrayed as first accused in the said case. He died even before trial. Therefore, the Trial Court went ahead with the trial as against the petitioner alone. By judgment dated 23.04.2016, the Trial Court has convicted the petitioner 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.10,000/-, in default, to undergo simple imprisonment for two years. Challenging the said conviction and sentence, the petitioner has come up with the present Criminal Appeal. Pending appeal, he seeks suspension of sentence.



behalf of the State. We have also perused the records carefully.

3. A perusal of the records would go to show that the deceased was cut only by the first accused. So far as the petitioner herein/Accused No.2 is concerned, the allegation is that he instigated the first accused to cut the deceased.

4. Having regard to the said fact that the petitioner was not armed with any weapon and he did not cause any injury, we are inclined to suspend the substantive sentence imposed upon the petitioner/Accused No.2.

5. In the result, the petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/accused No.2 alone is suspended pending disposal of the above said Crl.A.(MD) No.355 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.III, Nagercoil, 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/-

17/10/2016

/ TRUE COPY /

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

TO

- 1 THE SEESIONS JUDGE, KANYAKUMARI DIVISION AT NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE NO.III, NAGEROCIL.
- 3 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM CIRCLE, EATHAMOZHY POLICE STATION,
KANYAKUMARI DISTRICT

+1. C.C. to M/S.K.PRABHU Advocate SR.No.61016.

ORDER

IN

CRL MP (MD) No.9337 of 2016

IN

CRL A (MD) No.355 of 2016

Date : 17/10/2016