



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.9434 of 2016
IN
CRL A(MD) No.357 of 2016

NATARAJAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION,
KALAKKADU,
TIRUNELVELI DISTRICT

... 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 Principal Sessions Court, Tirunelveli in SC No. 125 of 2014 dated 25.02.2016 and enlarge the petitioner on bail pending disposal of the above 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.V.ANGUSAMY, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

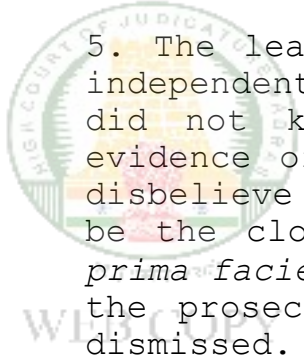
[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the sole accused in S.C.No.125 of 2014, on the file of the learned Principal Sessions Judge, Tirunelveli. By judgment dated 25.02.2016, the Trial Court has convicted the petitioner under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay a fine of Rs.5,000/-, 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.

<https://hcservices.ecourts.gov.in/hcservices/>

3. It is a case based on the eye witnesses account of P.Ws.1 to



5. The learned counsel would submit that though P.W.5 alone is an independent witness, during cross-examination, he has stated that he did not know anything about the occurrence. Assuming that the evidence of P.W.5 is unreliable, there is no supporting reason to disbelieve the evidences of P.Ws.1 to 4. Only because they happen to be the close relatives, their evidences cannot be rejected. Thus, *prima facie*, we are satisfied from the evidences of P.Ws.1 to 5 that the prosecution has proved the case. The petition is, therefore, dismissed.

4. The Registry is directed to prepare the typed-set of papers and list the Appeal itself for final hearing.

sd/-

17/10/2016

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION, KALAKKADU, TIRUNELVELI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

ORDER

IN

CRL MP (MD) No.9434 of 2016

IN

CRL A (MD) No.357 of 2016

Date : 17/10/2016

SML

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