



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

Friday, the Seventeenth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.10487 of 2017

IN

CRL A (MD) No.461 of 2017

1 PRABHU @ PRABHAKARAN
2 KANNAN

... PETITIONERS/ APPELLANTS/
ACCUSED NO. 1 AND 2

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY.

2 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY.
(IN CRIME NO.1849 OF 2009)

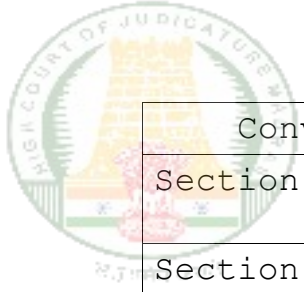
... RESPONDENTS/ RESPONDENTS/
COMPLAINANTS

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 on the petitioners by the Learned III Additional District and Sessions Court (PCR), Madurai in Spl.S.C.No.29 of 2014 dated 25.10.2017 and enlarge them on bail, pending disposal of the Criminal Appeal and thus 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.T.SUGADEV, Advocate for the petitioners and of M/S.T.MOHAN, Additional Public Prosecutor on behalf of the Respondents, While admitting the CRL.A, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioners / appellants /A1 & A2, praying to suspend the sentence of imprisonment imposed on them by the learned III Additional District and Sessions Court (PCR), Madurai in its order dated 25.10.2017 in Spl.S.C.No.29 of 2014 pending disposal of the above Criminal Appeal.

2. After trial, the petitioners have been convicted and sentenced as under:



Conviction	Sentence
Section 147 of IPC	3 months R.I + Fine of Rs.250/- each, i/d 15 days S.I.
Section 448 of IPC	1 month R.I. + Fine of Rs.250/- each, i/d one week S.I.
Section 323 of IPC	3 months R.I. + Fine of Rs.500/- each, i/d 15 days S.I.
Section 427 of IPC	Fine of Rs.100/- each, i/d one week S.I.

3.The above sentence should run concurrently. Fine amount has been paid by the petitioners / appellants and copy of the receipt is also filed.

4.The learned counsel appearing for the petitioners / appellants submitted that the accused persons are totally stranger to the prosecution witnesses and there is no corroboration between the evidence of P.W.1 and P.W.2 to P.W.6 and the first information given by P.W.2 was suppressed by the prosecution. The medical evidence also does not corroborate with P.W1. P.W.7 / Doctor, who gave treatment to P.W.1, did not corroborate with the evidence of P.W.1. He further submitted that the petitioners / appellants are having arguable points in this appeal and they are having a prima facie case in their favour. The Trial Court also suspended the sentence as per order in Cr.M.P.No.10487 of 2017 till 23.11.2017.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the petitioners / appellants are not having any prima facie case in the appeal. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension since the Trial Court itself suspended the sentence for a particular period.

6.This Court heard the submissions made by the learned counsel appearing for the petitioners / appellants and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record, including the impugned Judgment of the Court below.

7.Considering the above facts and circumstances of the case, this Court is of the view that there are certain arguable points involved in this Criminal Appeal and they are required to be examined in detail in the main Appeal. I see prima facie case in favour of the petitioners / appellants, for grant of an order of suspension.

8. On considerations, ordered as under:-

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

(i) Appeal bail granted.



(ii) Sentence of imprisonment ordered by the trial Court alone is suspended, till the disposal of the appeal.

(iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each to the satisfaction of the learned III Additional District and Sessions Court (PCR), Madurai.

(iv) The petitioners / appellants shall appear before the said Court on the first working day of every month at 10.30 am., until further orders.

sd/-
17/11/2017

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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 (PCR),
MADURAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY.
3. THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.T.SUGADEV Advocate SR.No.34809

ORDER
IN
CRL MP (MD) No.10487 of 2017
IN
CRL A (MD) No.461 of 2017
Date :17/11/2017

MS/PM-PN/SAR.1/21.11.2017/3P.6C