



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

Friday, the Eighteenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP (MD) No.1906 of 2017

IN

CRL A (MD) No.75 of 2017

1 SATHIYAMOORTHY

2 ANBUKKARASAN

... PETITIONERS/ APPELLANTS

Vs

STATE,
THROUGH THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.

(CRIME NO.257 OF 2015)

... RESPONDENT/ RESPONDENT

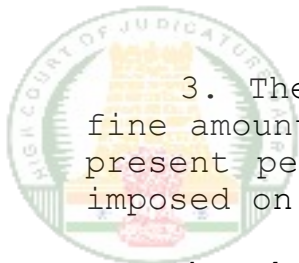
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the Sentence of Imprisonment imposed by the learned Principal Sessions Judge, Thanjavur in S.C.No.122 of 2016 by the Judgment dated 23.02.2017 and enlarge the Petitioner/Appellant on bail, pending disposal of the above said Crl.A.(MD)No.75 of 2017 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.M.KARUNANITHI, Advocate for the petitioner and of M/S.R.RAMACHANDRAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondents the court made the following order:-

(Order of the Court was made by **M.M.SUNDRESH.J.,**)

This petition has been filed praying to suspend the sentence imposed against the petitioners in S.C.No.122 of 2016 by the Principal Sessions Judge, Thanjavur and also to enlarge them on bail.

2. The petitioners have been arrayed as Accused No.1 and 3 respectively in S.C.No.122 of 2016, on the file of the learned Principal Sessions Judge, Thanjavur, wherein, the petitioners have been found guilty of offence punishable under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for one year.



3. The learned counsel for the petitioners submitted that the fine amount has already been paid. Under the said circumstances, the present petition has been filed seeking suspension of the sentence imposed on the petitioners.

4. The case of the prosecution is that on 04.09.2015, in an inebriated condition, the petitioners attacked the deceased and committed the offence. The first petitioner is said to have attacked the deceased with a stick and the second petitioner attacked him with legs.

5. The learned counsel appearing for the petitioners would submit that all the eye-witnesses have turned hostile. Therefore, in the absence of no material, the Court below has wrongly held that the charges are proved.

6. The learned Additional Public Prosecutor would raise serious objection to suspend the sentence imposed on the petitioners.

7. Considering the reasons given by the Court below and especially taking into consideration of the evidence of eye-witnesses namely P.W.1 to 3 and P.W.15, who have turned hostile, we are inclined to suspend the sentence imposed on the petitioners.

8. In fine, this Miscellaneous Petition is ordered and the substantive sentence of imprisonment imposed on the petitioners in S.C.No.122 of 2016 by the learned Principal Sessions Judge, Thanjavur, alone is suspended till the disposal of Criminal Appeal No.75 of 2017 and the petitioners will be released on bail on executing a bond for a sum of Rs.10,000/- each and two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, No.III, Thanjavur and on further condition that the petitioners shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m until further orders.

sd/-
18/08/2017

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

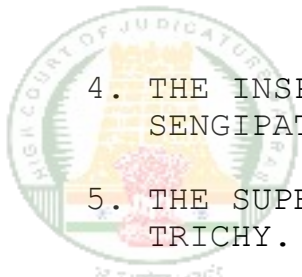
TO

1. THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR.

2. THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR.

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

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



4. THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION, THANJAVUR DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

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

+1. C.C. to M/S.M.KARUNANITHI Advocate SR.No.28883

ORDER IN
CRL MP (MD) No.1906 of 2017
IN
CRL A (MD) No.75 of 2017
Date :18/08/2017

MS/CM-MSA/SAR.4/18.08.2017/2P.8C