



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.3760 of 2017
IN
CRL A(MD) No.135 of 2017

LACHAM,

... APPELLANT/ACCUSED NO.3

Vs

STATE REP.BY

1 THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR SUB DIVISION,
MADURAI DISTRICT.

2 INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT.
IN CR.NO.14 OF 2008.

... RESPONDENT/COMPLAINANT

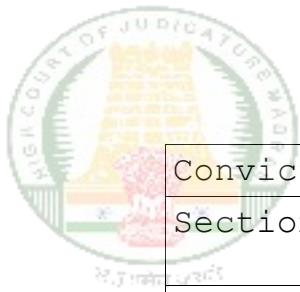
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence in S.C.No.29 of 2011 on the file of the Learned III Additional District and Sessions (PCR) Court, Madurai dated 02.03.2017 till the disposal 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.S.MOHANDOSS, Advocate for the petitioner and of MR.P.KANDASAMY Government Advocate (Crl.Side) for the Respondent while admitting the Criminal Appeal the court made the following order:-

The appellant, who is the accused in S.C.No.29 of 2011 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, Madurai District, dated 02.03.2017, while challenging his conviction and sentence, seek appeal bail under Section 389(1) of Cr.P.C.

2. After trial, the petitioner has been convicted and

sentenced as under:



Conviction	Sentence
Section 147 CPC	3 Months RI + Fine Rs.500/- i/d one Week SI
Section 324 read with Section 149(2 Counts) of IPC	Each 1 year RI + Each with fine of Rs.1,000/- i/d. One Month SI each
Section 323 of IPC r/w. 149 (3 counts) IPC	Each 6 Months RI + Each Rs.500/- fine i/d One Month SI

3. The learned counsel appearing for the appellant states that the appellant is said to have attacked with wooden stick and caused injuries. The alleged weapon is not seized by the respondent, which is the evidence of prosecution. The co-accused was also granted the order of suspension of sentence by this Court, as per the order in CrI.A(MD).No.104 of 2017 filed by A2. He further submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. The petitioner is having arguable points in this appeal and they are having *prima facie* case. He also submitted that the fine amount was paid by the petitioner herein and the copy of the receipt is also produced.

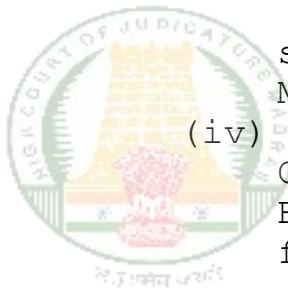
4.The learned Government Advocate (CrI.side) appearing for the respondent

states that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner and there is no *prima facie* case in favour of the petitioner herein, however, he has not raised any serious objection to grant the order of suspension in favour of the petitioner.

5. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further it will take some time for the disposal of the criminal appeal.

6. On considerations, ordered as under:-

- (i) Appeal bail granted.
- (ii) Substantial sentence alone in suspended, till the disposal of the appeal, on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for the like sum each to the



satisfaction of the learned Judicial Magistrate No.IV, Madurai.

(iv) The petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

WEB COPY

sd/-
28/04/2017

/ TRUE COPY /

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

TRP

TO

- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS (PCR) COURT, MADURAI.
2. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
- 3 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR SUB DIVISION,
MADURAI DISTRICT.
- 5 THE INSPECTOR OF POLICE, SAMAYANALLUR POLICE STATION,
SAMAYANALLUR, MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.MOHANDOSS Advocate SR.No.21673

GJM/BS/SAR-4-3.5.17-3P-8C

ORDER
IN
CRL MP (MD) No.3760 of 2017
IN
CRL A (MD) No.135 of 2017
Date :28/04/2017