



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

Thursday, the Third 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.4052 of 2017
IN
CRL A(MD) No.147 of 2017

RAJENDRAN,

... PETITIONER/APPELLANT/
ACCUSED NO.3

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT.
(CRIME NO.151/2012)

... RESPONDENT/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 and grant bail to the Petitioner/Appellant convicted in S.C.No.3 of 2015 on the file of the Learned Additional District & Sessions Judge, Dindigul dated 25.04.2017, pending disposal of the main appeal and thus render justice.

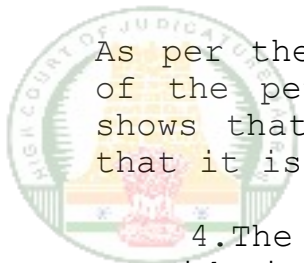
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. AR. JEYARHUTHRAN, Advocate for the petitioner and of Mr.R.Ramachandran, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(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 Sessions Case No.3 of 2015 by the Additional District and Sessions Judge, Dindigul and also to enlarge him on bail.

2.The petitioner, who is arrayed as accused No.3 in S.C.No.3 of 2015, wherein the petitioner has been found guilty under Section 302 r/w 34 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.1,000/- in default to undergo six months simple Imprisonment and for offence under Section 324 r/w 34 of IPC sentenced to undergo three years Rigorous imprisonment. The substantive sentences were directed to run concurrently. Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

3.The learned counsel for the petitioner would submit that there is a material contradiction in the evidence of P.Ws.1 to 3.



As per the version of P.W.3, he has not spoken about the presence of the petitioner in the scene of occurrence and P.W.1 evidence shows that the petitioner attacked him. P.Ws.1 & 3 evidence shows that it is only A1 who cause the death of the deceased.

4. The learned Additional Public Prosecutor would submit that considering the evidence of P.W.2 the Court below convicted the accused and prayed for dismissal of the application.

5. In the light of the above discussion and also considering the fact that there are some arguable points are involved in this criminal appeal coupled with the specific overt act attributed to A1 and considering the period of incarceration undergone by him, we are inclined to grant suspension of the sentence.

6. In fine, this petition is ordered and the sentence imposed against the petitioner in S.C.No.3 of 2015 by the Additional District and Sessions Judge, Dindigul is alone suspended till the disposal of Criminal Appeal No.147 of 2017 and the petitioner will be released on bail on executing a bond for a sum of Rs.10,000/- and two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Vendasandur and on further condition that the petitioner 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/-

03/08/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE, DINDIGUL
- 2 THE JUDICIAL MAGISTRATE, VEDASANDUR
- 3 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 5 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT.

+1. C.C. to M/S. AR. JEYARHUTHRAN Advocate SR.No.28062

ORDER

IN

CRL MP(MD) No.4052 of 2017

IN

CRL A(MD) No.147 of 2017

Date :03/08/2017

SM:MSA-AAM:SAR 3:7.8.2017:2P/7C