



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.5759 of 2017

IN

CRL A(MD) No.90 of 2017

PALANISAMY

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THOGAMALAI POLICE STATION, KARUR DISTRICT
(CRIME NO.382/2015)

... RESPONDENT/RESPONDENT/
COMPLAINANT

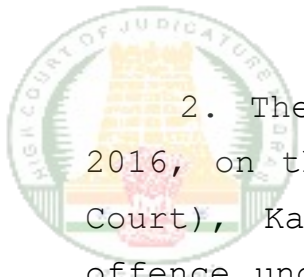
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Sessions Judge (Mahila Fast Tract Court) Karur in S.C.No.59 of 2016 dated 30.12.2016 and release the petitioner on bail 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.T.SENTHIL KUMAR, 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 on the petitioner in S.C.No.59 of 2016 by the learned Sessions Judge (Mahila Fast Track Court), Karur and also to enlarge

him on bail



2. The petitioner is arrayed as Accused No.1 in S.C.No.59 of 2016, on the file of the learned Sessions Judge (Mahila Fast Track Court), Karur, wherein, the petitioner has been found guilty of offence under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month. The learned counsel for the petitioner submitted that the fine amount has already been paid. Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

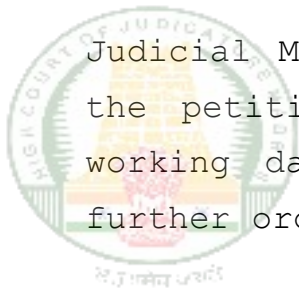
4. The case of the prosecution is that the dispute relates to pathway. On 12.09.2015, the first accused attacked the deceased with crowbar. The accused Nos.2 and 3 sprinkled chilly powder on the deceased. The deceased died on 13.09.2015 at about, 02:30 a.m.

5. The learned counsel appearing for the petitioner would submit that before P.W.13, the deceased gave a statement that three persons attacked him with stick. The evidence also would show that all the accused persons sustained injuries.

6. The learned Additional Public Prosecutor would submit that in view of the eye-witnesses available, it is clear that the petitioner was part of the incident.

7. Considering the reasons given by the Court below and especially of a prima facie consideration of the evidence of P.W.13 and unexplained injuries suffered by the accused including the petitioner herein, we are inclined to grant suspension of sentence.

8. In fine, this petition is ordered and the sentence imposed against the petitioner in S.C.No.59 of 2016 by the learned Sessions Judge (Mahila Fast Track Court), Karur, alone is suspended till the disposal of Criminal Appeal No.90 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 No.I, Kulithalai 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.

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sd/-

18/08/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE
(MAHILA FAST TRACK COURT) KARUR
- 2 THE JUDICIAL MAGISTRATE NO.1, KULITHALAI
- 3 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, KARUR
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 5 THE INSPECTOR OF POLICE
THOGAMALAI POLICE STATION, KARUR DISTRICT
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.T.SENTHIL KUMAR Advocate SR.No.28903

ORDER
IN
CRL MP (MD) No.5759 of 2017
IN
CRL A (MD) No.90 of 2017
Date :18/08/2017

SM:RR-BS:SAR 2:21.08.2017:3P/8C