



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

Tuesday, the Fifth day of September 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.5825 of 2017

IN

CRL A (MD) No.221 of 2017

MUTHUVEL @ UDAYAR

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
KADALADI (IN KADALADI POLICE STATION,  
CRIME NO.78/2010)

... RESPONDENT/RESPONDENT

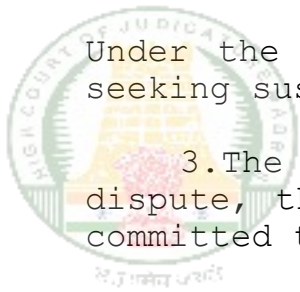
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the order of conviction imposed by the Learned Additional Sessions Judge, (Fast Track Judge) Paramakudi made in S.C.No.1/2013 dated 19/06/2017 pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.JEGANATHAN, 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 petitioner in Session Case No.1 of 2013 by the learned Additional Sessions Judge, (Fast Track Judge), Paramakudi and also to enlarge him on bail.

2.The petitioner is arrayed as an accused No.1 in S.C.No.1 of 2013, wherein the petitioner has been found guilty under Section 506(ii) of IPC and sentenced to undergo two years Rigorous Imprisonment and also imposed a fine of Rs.500/- in default to undergo one month Simple Imprisonment and he has been found guilty under Section 307 of IPC and sentenced to undergo seven years Rigorous Imprisonment and also imposed a fine of Rs.2,500/- in default to undergo six months Rigorous Imprisonment and he has been found guilty under Section 302 of IPC and sentenced to undergo Live Imprisonment and also imposed a fine of Rs.5,000/- in default to undergo one year Rigorous Imprisonment.



Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

3.The case of the prosecution is that in pursuant to the family dispute, the petitioner and other accused attacked the deceased and committed the alleged offence.

4.The learned counsel for the appellant would submit that though P.Ws.1,2,4 & 6 are the eye witnesses, P.Ws.1 & 6 are turned hostile. P.W.2 in his cross-examination stated that he has not seen the occurrence. Though the P.W.4 is an injured witness, there is no explanation getting admitted in the hospital on 02.10.2010 even though the occurrence took place on 23.09.2010. The alleged occurrence is also said to have taken place in front of the Tea shop of P.W.6.

5.The learned Additional Public Prosecutor would submit that considering the evidence of P.Ws.2 & 4, the trial Court has rightly rendered the conviction and no interference is required.

6.On a perusal of the records, it is seen that the P.Ws.1 & 6 are turned hostile. Insofar as the P.W.2 is concerned, as submitted by the learned counsel for the petitioner, in the cross-examination, he has stated that he has not seen the occurrence. Therefore, the only other evidence is that of P.W.4. Insofar as the P.W.4 is concerned, though he is an injured witness, there is no explanation for not taking the treatment on 23.09.2010.

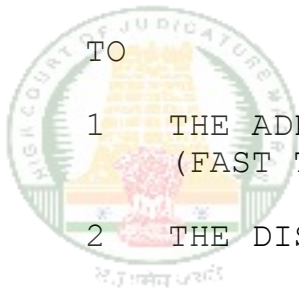
7.Considering the above facts and taking note of the fact that there are some arguable points are involved in this criminal appeal and considering the period of incarceration undergone by him, we are inclined to grant suspension of the sentence.

8. In fine, this petition is ordered and the sentence imposed against the petitioner in S.C.No.1 of 2013 by the learned Additional Sessions Judge, (Fast Track Judge), Paramakudi is alone suspended till the disposal of Criminal Appeal No.221 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 District Munsif-cum-Judicial Magistrate, Mudukulathur 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/-  
05/09/2017

/ TRUE COPY /

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



TO

- 1 THE ADDITIONAL SESSION JUDGE,  
(FAST TRACK JUDGE), PARAMAKUDI.
- 2 THE DISTRICT MUNSIF-CUM- JUDICIAL MAGISTRATE, MUDUKULATHUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 5 THE INSPECTOR OF POLICE,  
KADALADI (IN KADALADI POLICE STATION).
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.30131

ORDER  
IN  
CRL MP (MD) No.5825 of 2017  
IN  
CRL A (MD) No.221 of 2017  
Date :05/09/2017

MKV-PN-SAR 2/07.09.2017/3P-8C