



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

Friday, the Twenty Second 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.6148 of 2017

IN

CRL A (MD) No.240 of 2017

RAMAR

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT
(CRIME NO.181/2013)

... 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 imposed in S.C.No.341/2014 dated 29/02/2016 on the file of the IV Additional District and Sessions Court, Madurai and enlarge the petitioner on bail pending disposal of the above Crl.A.

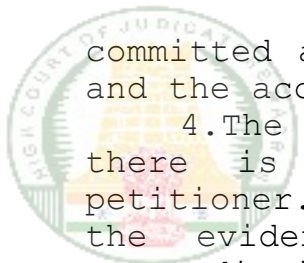
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.KANNAN, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

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

The petition has been filed praying to suspend the sentence imposed against the petitioner in Session Case No.341 of 2014 by the learned IV Additional District and Sessions Court, Madurai and also to enlarge him on bail.

2.The petitioner is arrayed as accused No.1 in S.C.No.341 of 2014, wherein the petitioner has been found guilty under Section 302 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.2,000/- in default to undergo three months Simple Imprisonment. Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

3. The petitioner is none other than the husband of the deceased. The case of the prosecution is that in pursuant to the prior enmity, which has arisen in view of the complaint given by the deceased against the petitioner, he attacked the deceased and



committed an offence. Totally there are three accused in this case and the accused Nos.2 & 3 are acquitted by the trial Court.

4.The learned counsel for the petitioner would submit that there is absolutely no evidence available to implicate the petitioner. P.Ws.1 to 10 turned hostile. The trial Court found that the evidence of P.W.1 cannot be accepted in view of the contradiction in the statement made.

5.The learned Additional Public Prosecutor would submit that though the P.Ws.1 to 10 turned hostile, the trial Court taking into consideration of the circumstantial evidence coupled with the Postmortem report given by the doctor has rightly convicted the accused and no interference is required and therefore, the present petition will have to be dismissed.

6.Considering the above facts and taking note of the fact that the petitioner is implicated only in pursuant to the evidence of P.W.11 and the recovery made and 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.

7. In fine, this petition is ordered and the sentence imposed against the petitioner in S.C.No.341 of 2014 by the learned IV Additional District and Sessions Court, Madurai is alone suspended till the disposal of Criminal Appeal No.240 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, Thirumangalam 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/-
22/09/2017

/ TRUE COPY /

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

TO

- 1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION, MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.V.KANNAN Advocate SR.No.31293

ORDER IN
CRL MP(MD) No.6148 of 2017 IN
CRL A(MD) No.240 of 2017
Date :22/09/2017