



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

Tuesday, the First 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.6218 of 2017

IN

CRL A (MD) No.246 of 2017

1 S.NEELAMEGAM
2 N.KANTHAN
3 N.HARIKRISHNAN
4 N.LAKSHMI

... APPELLANTS/ACCUSED NO.1 to 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALAIYAR KOIL POLICE STATION,
CR NO. 290/2009.

... RESPONDENT/COMPLAINANT

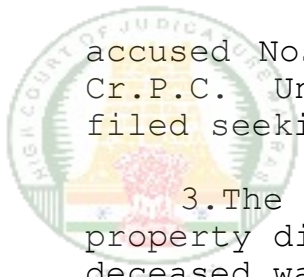
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the conviction and sentence imposed in S.C.No.29/2010 on the file of the Learned Sessions Judge, Sivagangai dated 28/03/2017 pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.P.S.PALANIVEL RAJAN, 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 S.C.No.29 of 2010 by the Sessions Judge, Sivagangai and also to enlarge him on bail.

2. The petitioner is arrayed as accused Nos.1 to 4 in S.C.No.29 of 2010, on the file of the Sessions Judge, Sivagangai. Wherein the third petitioner has been found guilty under Section 302 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.1,000/- in default to undergo one year Rigorous Imprisonment and the petitioners 1,2 & 4 have been found guilty under Section 302 r/w Section 34 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.1,000/- each in default to undergo one year Rigorous Imprisonment. The period already undergone by the



accused Nos.1 to 4 is ordered to be set off under Section 428 of Cr.P.C. 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 property dispute between the family of A1 and deceased brothers, the deceased was murdered by the petitioners/accused.

4.The learned counsel for the petitioner seeks permission of this Court to withdraw the application insofar as A3 is concerned.

5.Considering the facts and circumstances of the case and also considering the fact that especially A3 is said to have committed the said offence and others have been charged with offence under Section 302 r/w 34 of IPC and there are some arguable points are involved in this criminal appeal and the period of incarceration we are inclined to grant suspension of the sentence to the petitioners 1,2 & 4, who are none other than the father, brother and mother of A3.

6. In fine, this petition is ordered and the sentence imposed against the petitioners Nos.1,2 & 4 in S.C.No.29 of 2010 by the Sessions Judge, Sivagangai is alone suspended till the disposal of Criminal Appeal No.246 of 2017 and the petitioners Nos.1,2 & 4 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, Sivagangai and on further condition that the petitioners Nos.1,2 & 4 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/-
01/08/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE, SIVAGANGAI.
 - 2 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI
 - 3 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 - 5 THE INSPECTOR OF POLICE
KALAIYAR KOIL POLICE STATION.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.K.P.S.PALANIVEL RAJAN Advocate SR.No.27956

ORDER IN
CRL MP(MD) No.6218 of 2017 IN
CRL A(MD) No.246 of 2017
Date :01/08/2017