



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

Thursday, the Seventeenth 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.6509 of 2017

IN

CRL A(MD) No.274 of 2017

PATHAMUTHU

... PETITIONER / APPELLANT

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MAMSA PURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.364/2006)

... 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 of Imprisonment imposed by the Learned Sessions Judge, Fast Track Mahalir Neethimandram, Virudhunagar District at Srivilliputhur in S.C.No.10/2008 by the Judgement dated 17/12/2015 and enlarge the petitioner/appellant 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 Mr.D.RAMESHKUMAR, 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 Sessions Case No.10 of 2008 by the learned Sessions Judge, Fast Track Mahalir Neethimandram, Virudhunagar District at Srivilliputhur and also to enlarge him on bail.

2.The petitioner is the sole accused in S.C.No.10 of 2008, wherein the petitioner has been found guilty under Section 376 r/w 511 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.25,000/- in default to undergo one year simple Imprisonment. 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 the petitioner has been incarceration for more than five years. There is a delay in registering the FIR. The witnesses are interested witnesses. The medical evidence did not conclusively prove the offence.

4.The learned Additional Public Prosecutor would submit that the trial Court considering the evidence adduced coupled with the medical evidence, which indicates the injuries suffered by the victim rightly convicted the accused and no interference is required.

5.Though the learned trial Judge has convicted the petitioner under Section 376 r/w 511 of IPC, is only an offence under Section 376 of IPC. Further we find, the trial Court has made a reliance upon the statement given under Section 161(3) Cr.P.C.

6. Considering the above facts and taking into consideration of the prolonged incarceration for more than 5 years, 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.10 of 2008 by the Sessions Judge, Fast Track Mahalir Neethimandram, Virudhunagar District at Srivilliputhur is alone suspended till the disposal of Criminal Appeal No.274 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.II, Srivilliputhur 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/-
17/08/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE,
FAST TRACK MAHALIR NEETHIMANDRAM,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 2 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR



4 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to Mr.D.RAMESHKUMAR Advocate SR.No.28847

JAM/21.08.17/PM-PN/SAR 1/ 3P-8C

ORDER

IN

CRL MP (MD) No.6509 of 2017

IN

CRL A (MD) No.274 of 2017

Date :17/08/2017