



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

Wednesday, the Ninth 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.6556 of 2017

IN

CRL A(MD) No.282 of 2017

MUNIAPPAN @ MUNIYARAJ

...APPELLANT/APPELLANT/
ACCUSED NO.4

Vs

STATE REP BY

THE INSPECTOR OF POLICE

VADAMADURAI POLICE STATION, VADAMADURAI,
DINDIGUL DISTRICT

(CRIME NO.151 OF 2012)

... RESPONDENT/RESPONDENT/
COMPLAINANT

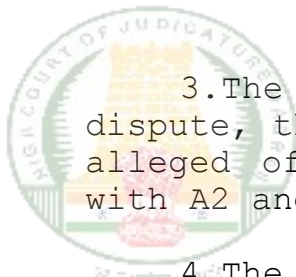
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Judgment dated 25.04.2017 made in S.C.No.3 of 2015 on the file of the Additional District and Sessions Judge, Dindigul and enlarge him on bail pending disposal of the instant 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.J.SIVARAM, 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.3 of 2015 by the Additional District and Sessions Judge, Dindigul and also to enlarge him on bail.

2.The petitioner, who is arrayed as accused No.4 in S.C.No.3 of 2015, wherein the petitioner has been found guilty under Section 302 r/w 34 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.1,000/- in default to undergo six months simple Imprisonment and for offence under Section 324 r/w 34 of IPC sentenced to undergo three years Rigorous imprisonment. The substantive sentences were directed to run concurrently. 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 view of the family dispute, the accused persons attacked the deceased and committed the alleged offence. Insofar as the petitioner is concerned he along with A2 and A3 caught hold the P.W.1.

4.The learned counsel for the petitioner would submit that the overt-act attributed against the petitioner is same to A2 and A3. Insofar as the A3 is concerned, this Court has granted suspension of sentence in CrI.M.P(MD)No.4052 of 2017 in CrI.A(MD)No.147 of 2017, dated 03.08.2017.

5.The learned Additional Public Prosecutor would submit that A3 has already been granted suspension of sentence by this Court.

6. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is also stand on the same footing as A3, whose sentence is suspended by this Court and also 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.

7. In fine, this petition is ordered and the sentence imposed against the petitioner in S.C.No.3 of 2015 by the Additional District and Sessions Judge, Dindigul is alone suspended till the disposal of Criminal Appeal No.282 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, Vendasandur 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.

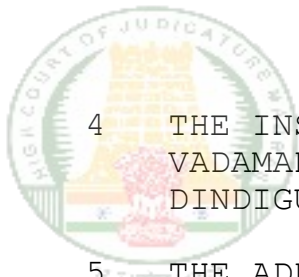
sd/-
09/08/2017

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL
- 2 THE JUDICIAL MAGISTRATE
VEDASANDUR
- 3 -do-thro THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL



4 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION, VADAMADURAI,
DINDIGUL DISTRICT

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

6 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.J.SIVARAM Advocate SR.No.28361

ORDER
IN
CRL MP (MD) No.6556 of 2017
IN
CRL A (MD) No.282 of 2017
Date :09/08/2017

SM:PM-PN:SAR 4:11.8.2017:3P/8C