



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.6652 of 2017

IN

CRL A (MD) No.288 of 2017

1 SURESH @ SURESHKUMAR

2 RAGHUVARAN @ SRIRAM

... APPELLANT/ACCUSED NO.1 and 2

Vs

THE STATE REP.BY,

THE INSPECTOR OF POLICE

KULITHALAI POLICE STATION, KARUR DISTRICT

(IN CR.NO. 579/2015)

... RESPONDENT/COMPLAINANT

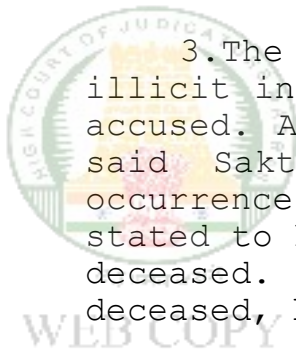
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence upon the petitioners passed by the Learned of Sessions Judge, Mahalir Neethi Mandram, Fast Track Mahila Court, Karur District in S.C.No.26/2016 dated 09/11/2016 and enlarge them 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.S.PALANIVELAYUTHAM for M/S.M.KARUNANITHI, Advocate for the petitioners 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 petitioners in Session Case No.26 of 2016 by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Karur District and also to enlarge them on bail.

2.The petitioners are the accused Nos.1 & 2 in S.C.No.26 of 2016, wherein the petitioners have been found guilty under Sections 364 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.1,000/- in default to undergo one month Simple Imprisonment and he 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 month Simple 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 the deceased was having illicit intimacy with one Sakthi Uma. She is a relative of both the accused. As the deceased refused to shop his relationship with the said Sakthi Uma, the appellants took the deceased into the occurrence place and committed the offence. The first appellant is stated to have attacked the deceased and thereafter, caught hold the deceased. The second appellant is stated to have attacked the deceased, by which he died.

4.The learned counsel for the petitioners would submit that the only eye witness is P.W.1, who is none other than the brother of the deceased. He allegedly followed the deceased and the petitioner in a bye-cycle. The evidence of P.W.1 cannot be relied upon. The petitioner has been incarceration from 09.11.2016.

5.The learned Additional Public Prosecutor would submit that merely because, P.W.1 is an eye witness, who happens to be a brother of the deceased, the same cannot be eschewed and the trial Court considering the evidence adduced, convicted the accused.

6.Considering the above facts and taking note of the fact that except the evidence of P.W.1 and no other eye witness is available 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 petitioners in S.C.No.26 of 2016 by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Karur District is alone suspended till the disposal of Criminal Appeal No.288 of 2017 and the petitioners 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, Kulithalai, Karur District 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

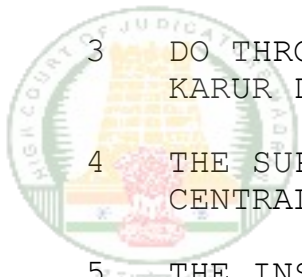
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHI MANDRAM, FAST TRACK MAHILA COURT,
KARUR DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

5 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.

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

+1. C.C. to M/S.M.KARUNANITHI Advocate SR.No.30082

ORDER
IN
CRL MP (MD) No.6652 of 2017
IN
CRL A (MD) No.288 of 2017
Date :05/09/2017

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