



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice R.SUBBIAH
and
The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.7781 of 2017
IN
CRL A(MD) No.336 of 2017

LATCHUPANDI

... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 151/2012.

... RESPONDENT/ 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 and grant bail to the petitioner/appellant convicted in S.C.No.3 of 2015 on the file of the Learned Additional District & Sessions Judge, Dindigul dated 25/04/2017 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.AR.JEYA RHUTHRAN, Advocate for the petitioner and of M/S.C.RAMESH, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **R.SUBBIAH, J**)

The petitioner/appellant is arrayed as accused No.1 in S.C.No.3 of 2015 on the file of learned Additional District & Sessions Judge, Dindigul. He has been convicted for the offence under Section 302 IPC and sentencing him to undergo life imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for six months and convicted for the offence under Section 324 IPC and sentenced to undergo three year rigorous imprisonment. Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. Inviting the attention of this Court to the evidence of P.W.1, the learned counsel for the petitioner submitted that PW1 has admitted in his evidence that the accused was under the impression that her daughter's life was spoiled by the deceased, who is her father-in-law. Further, in the cross-examination, PW1 has categorically admitted that there was a talk that the deceased was keeping his daughter-in-law and annoying over the same, the accused had committed the murder of the deceased. Therefore, it is a clear case of sustained provocation and there is every possibility of getting either acquittal or reduction of sentence and the petitioner is inside for more than seven months. He further submitted that A2 has not filed any appeal so far. Therefore, there is no question of taking up the appeal for final hearing in the near future. It is also submitted that as far as A3 is concerned, the sentence has already been suspended and hence prayed for suspending the substantive sentence of imprisonment.

4. The learned Additional Public Prosecutor vehemently oppose this petition for suspending the sentence.

5. Considering the facts and circumstances of the case and considering the fact that there are arguable points in favour of the petitioner, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner pending appeal.

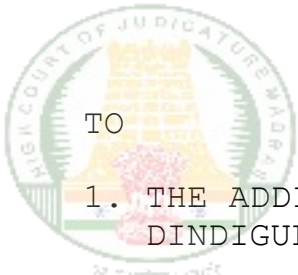
6. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Vendasandur, and on further condition that the petitioner shall report before the committal Court at 10.30 a.m., on the first working day of every English Calender Month, until further orders.

sd/-
24/11/2017

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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-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.AR.JEYA RHUTHRAN Advocate SR.No.35087

ORDER
IN
CRL MP (MD) No.7781 of 2017
IN
CRL A (MD) No.336 of 2017
Date :24/11/2017

MS/PM-PN/SAR.2/27.11.2017/3P.8C