



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

Wednesday, the Thirtieth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.7866 of 2017
IN
CRL RC (MD) No.691 of 2017

THIRUMARAN

... PETITIONER/PETITIONER

Vs

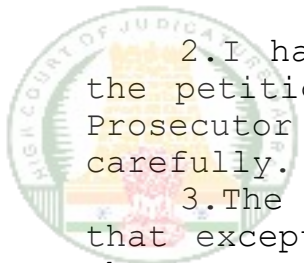
THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
SATTAMANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.94/2013)

... 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 imposed on the petitioner in the above Criminal Appeal No.04/2016 on the file of the Learned Additional District and Sessions Judge, Ramanathapuram dated 02.08.2017 made in S.C.No.131 of 2014 on the file of the Learned Assistant Sessions Judge, Ramanathapuram dated 03.03.2016 pending disposal of the above revision petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.DINESH, Advocate for the petitioner and of MR.K.S.DURAIPANDIAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner was an accused in S.C.No.131 of 2014, on the file of the learned Assistant Sessions Judge, Ramanathapuram. He stood charged for an offence under Sections 294(b), 304, 326 and 307 I.P.C. He was convicted for an offence under Section 307 I.P.C and sentenced to undergo seven years rigorous imprisonment and also imposed a fine of Rs.10,000/-, in default to undergo 6 months rigorous imprisonment by the trial court and the trial court acquitted the accused from the offence under Section 294(b) I.P.C. Challenging the same, the petitioner has filed an appeal in Crl.A.No.04/2016, before the learned Additional District and Sessions Judge, Ramanathapuram. The lower appellate court confirmed the conviction and modified the sentence to 5 years. Now, challenging the same, the present revision in Crl.R.C(MD).No.691 of 2017 has been filed. Pending revision, in order to suspend the conviction and sentence imposed on the petitioner, the present petition has been filed.



2.I have Heard Mr.M.Dinesh, the learned Counsel appearing for the petitioner and Mr.K.S.Durai Pandian, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

3.The learned counsel appearing for the petitioner contended that except the injured witness P.W.2, there is no eye witness to the occurrence and the motive of the occurrence was also not proved by the prosecution. Apart from that, the injured witness has stated that the petitioner has attacked him with a cricket bat and caused severe injuries and only on believing the evidence of P.W.2, the trial court has acquitted the accused under Section 294(b) I.P.C. Apart from that, sentence was also suspended, pending appeal.

4.I have considered the materials available on record.

5.Perusal of the records, it is seen that except P.W.2, there is no eye witness to the occurrence. The trial court also partially disbelieved the evidence of P.W.2 and convicted the petitioner/accused only under Section 307 I.P.C.

6.Considering the facts and circumstances of the case and since there are some arguable points involved in the revision and it may take long time for taking up the revision for hearing, I am constrained to suspend the sentence of imprisonment alone imposed against the petitioner.

7.In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Assistant Sessions Judge, Ramanathapuram, with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the revision or until further orders.

sd/-
30/08/2017

/ TRUE COPY /

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

TO

- 1 THE ASSISTANT SESSIONS JUDGE, RAMANATHAPURAM.
- 2 THE SUB INSPECTOR OF POLICE,
SATTAMANGALAM POLICE STATION, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.C.JEGANATHAN Advocate SR.No.29501

ORDER IN
CRL MP(MD) No.7866 of 2017 IN
CRL RC(MD) No.691 of 2017
Date :30/08/2017