



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

Thursday, the Twenty First 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.8227 of 2017

IN

CRL A(MD) No.326 of 2016

RAJARAJAN

... APPELLANT/APPELLANT/ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY DISTRICT.
(IN CRIME NO.1683 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 and conviction imposed on the Petitioner in the Judgment in S.C.No.220 of 2013 on the file of the Principal Sessions Judge, Tiruchirappalli dated 24.08.2016 pending disposal of the instant Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.ANANDAKUMAR, Advocate for the petitioner and of MR.R.RAMACHANDRA, 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 Session Case No.220 of 2013 by the learned Principal Sessions Judge, Tiruchirappalli and to enlarge him on bail.

2.The petitioner is arrayed as accused No.1 in S.C.No.220 of 2013, wherein the petitioner has been found guilty and convicted under Sections 294(b), 302 and 323 of IPC and for the offence under Section 294(b) IPC, the trial Court sentenced him to undergo three months simple Imprisonment and also imposed a fine of Rs.1000/-, in default, to undergo 15 days Simple Imprisonment; for the offence under Section 302 of IPC, the trial Court sentenced him to undergo Life Imprisonment and also imposed a fine of Rs.2000/-, in default, to undergo two years Rigorous Imprisonment; and for the offence under Section 323 of IPC, the trial Court sentenced him to



pay a fine of Rs.1000/-, in default, to undergo three months Rigorous Imprisonment. Against the conviction and sentence passed by the trial Court, CrI.A.(MD).No.326 of 2016 has been filed and pending appeal, in order to suspend the sentence, the present Miscellaneous Petition is filed.

3.The case of the prosecution is that the petitioner along with the other accused attacked the deceased and caused death, due to the prior enmity.

4.The learned counsel for the petitioner would submit that for the similarly placed accused, sentence has been suspended by taking into consideration of the evidence of P.W1, who is the informant. Though P.W.1 has stated that he did not informed the name of the accused, even the other witnesses also did not name the accused. The accident register Ex.P.25 also states that the deceased was attacked by some unknown persons.

5.The learned Additional Public Prosecutor while submitting that petitioner's petition will have to be dismissed and fairly he states that A2 already got suspension of sentence by the order of this Court.

6.Considering the above facts and taking note of 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.220 of 2013 by the learned Principal Sessions Judge, Tiruchirappalli is alone suspended till the disposal of Criminal Appeal No.326 of 2016 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 like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruchirappalli 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/-
21/09/2017

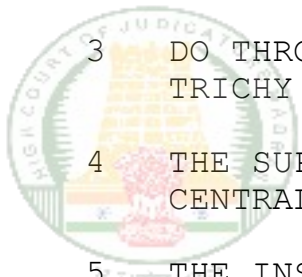
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SESSIONS JUDGE, TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY DISTRICT.

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

+1. C.C. to M/S.N.ANANDAKUMAR Advocate SR.No.31120

ORDER
IN
CRL MP (MD) No.8227 of 2017
IN
CRL A (MD) No.326 of 2016
Date :21/09/2017

MKV-PM-PN-SAR 1/22.09.2017/3P-8C