



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

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH
and

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.8653 of 2017
IN
CRL A(MD) No.382 of 2017

POKKARAN

... APPELLANT/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NAYINAR KOVIL POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT,
CRIME NO.86/2010

... 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 on the petitioner by the Additional District Judge (Fast Track Court) Paramakudi, in SC.No.118/2011 dated 27/07/2017 and release the petitioner 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 M/S.M.SIDDHARTHAN, Advocate for the petitioner and of Mr.C.MayilvahanaRajendran, 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 herein is the accused in S.C.No.118 of 2011, on the file of the learned Additional District Judge [Fast Track Court], Paramakudi. He was convicted and sentenced as follows:-

Convicted under Sections	Sentence imposed	Fine amount
302 IPC	To undergo imprisonment for life.	Rs.1,000/- and in default to undergo rigorous imprisonment for one year.



Criminal Appeal, the appellant/the petitioner prayed for an order suspending the substantive sentence and directing his release on bail by filing the present Miscellaneous Petition.

3. The case of the prosecution is that on account of a dispute over the vacant place, on the date of occurrence, namely, on 26.07.2010, at about 06.30 PM, there was a wordy quarrel between the accused and the deceased, in which the petitioner took out a scissor and caused a cut injury on the middle of the left hand of the deceased. Due to continuous oozing of blood, the deceased died.

4. The learned counsel appearing for the petitioner submitted that as per the case of the prosecution, except the above said single cut injury, no other injury was caused on the deceased. The learned counsel further submitted that the petitioner is aged about 74 years and he is having a chance for getting an acquittal in the appeal. Thus, he sought for suspension of substantive sentence of imprisonment imposed on the petitioner.

5. We have heard Mr.C.Mayil Vahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Considering the averments made in the affidavit filed in support of the Miscellaneous Petition and the submissions made by the learned counsel appearing for the petitioner, we are inclined to suspend the substantive sentence of imprisonment imposed on the petitioner.

7. In the result, this Miscellaneous 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 condition that he executes 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 Additional District Judge [Fast Track Court], Paramakudi, with a further condition that after such release, the petitioner shall appear before the committal Court once in a month, i.e., on the first working day of every English Calendar Month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-
05/10/2017

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT), PARAMAKUDI

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

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

4 THE INSPECTOR OF POLICE
NAYINAR KOVIL POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT

+1. C.C. to M/S.M.SIDDHARTHAN Advocate SR.No.32121

ORDER
IN
CRL MP(MD) No.8653 of 2017
IN
CRL A(MD) No.382 of 2017
Date :05/10/2017

SM:PM-PN:SAR 2:10.10.2017:3P/6C